

EXHIBIT B

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF ILLINOIS
4 EASTERN DIVISION
5

6 DIANE M. TRAHANAS,)
7 Plaintiff,)
8 vs.) No. 1:15-cv-11192
9 NORTHWESTERN UNIVERSITY;)
10 and STEVEN J. SCHWULST, M.D.,)
11 Defendants.)
12

13 Deposition of DIANE M. TRAHANAS, taken
14 before GREG S. WEILAND, CSR, RMR, CRR, pursuant to
15 the Federal Rules of Civil Procedure for the United
16 States District Court pertaining to the taking of
17 depositions, at Suite 400, 123 North Wacker Drive,
18 in the City of Chicago, Cook County, Illinois,
19 commencing at 10:13 o'clock a.m., on the 5th day of
20 January, 2018.
21
22
23

24 Reported By: Greg Weiland

25 Job No: 135524

1
2 PRESENT:

3
4 ON BEHALF OF THE PLAINTIFF:

5 JOHN P. DeROSE & ASSOCIATES

6 BY: MR. JOHN DeROSE, ESQ.

7 15 Spinning Wheel Road

8 Hinsdale, IL 60521
9
10
11
12

13 ON BEHALF OF THE DEFENDANTS:

14 COZEN O'CONNOR

15 BY: MS. ANNA WERMUTH, ESQ.

16 MS. DANIELLE HARRIS, ESQ.

17 123 North Wacker Drive

18 Chicago, IL 60606
19
20
21
22
23
24
25

1
2 ALSO PRESENT:

3 MS. THALIA L. MYRIANTHOPOULOS,
4 Office of General Counsel,
5 Northwestern University;
6 STEVEN J. SCHWULST, M.D.

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January 5th, 2018

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1 D. Trahanas

2 (Witness sworn.)

3 DIANE M. TRAHANAS

4 after being first duly sworn, testified as follows:

5 EXAMINATION

6 BY MS. WERMUTH:

7 Q. Hi, Ms. Trahanas. How are you this
8 morning?

9 A. Good. How are you?

10 Q. Good. So my name is Anna Wermuth. I
11 represent both Northwestern University and
12 Dr. Schwulst in connection with this litigation.

13 Okay?

14 A. Okay.

15 Q. So let me just state for the record that
16 we are taking the deposition of the plaintiff,
17 Diane Trahanas, in Case Number 15-cv-11192 pending
18 in the Northern District Court, the U.S. District
19 Court of the Northern District of Illinois, and that
20 this deposition is being taken pursuant to both the
21 Federal Rules of Civil Procedure and the local rules
22 of the court and also pursuant to notice.

23 So can you please state your name for the
24 record.

25 A. Diane, middle initial M, Trahanas.

1 D. Trahanas

2 Q. And what does the M stand for?

3 A. It's just M. There's no name associated
4 with it.

5 Q. Okay. And, Ms. Trahanas, have you ever
6 had your deposition taken before?

7 A. No.

8 Q. Have you ever testified before?

9 A. No.

10 Q. Okay. So let me just go through a couple
11 of ground rules so we're all kind of working from
12 the same place today.

13 Obviously I'm reminding you that you're
14 under oath.

15 It is important because, as you can see,
16 we have a court reporter here who is taking down
17 everything that's being said today. So it's
18 important that I allow you to finish your responses
19 before I start asking you the next question.

20 Okay?

21 A. Okay.

22 Q. And, likewise, I would ask that you allow
23 me to finish my question before you start answering.
24 Sometimes that's hard, but I'll remind you if I'm
25 not done. This is mainly so we can get a clear

1 D. Trahanas

2 record so we're not talking at the same time.

3 Okay?

4 A. Sure.

5 Q. It's also important that you give verbal
6 answers, right, because, again, the court reporter
7 is taking this down and can't always take nods of
8 the head.

9 Okay?

10 A. Yes.

11 Q. All right, good. I am not going to
12 pretend like I am always the most articulate
13 examiner. If there's a question I ask that you
14 don't understand or doesn't make sense to you, will
15 you please let me know that?

16 A. Definitely.

17 Q. Okay. And if for some reason you don't
18 let me know that I'm going to assume that you
19 understood my question.

20 Is that fair?

21 A. Yes.

22 Q. Your lawyer may object from time to time,
23 but as you can see there's no judge here to rule on
24 objections. So unless your lawyer instructs you not
25 to answer a question you're going to have to answer

1 D. Trahanas

2 over the objection.

3 Okay?

4 A. Okay.

5 Q. All right. Let me ask you this question:

6 Are you currently on any medications?

7 A. Yes.

8 Q. What are you taking currently?

9 A. I'm taking Wellbutrin.

10 Q. What's the dosage?

11 A. 300 milligrams.

12 Q. And how frequently?

13 A. Once a day in the morning.

14 Q. Okay. So you took that this morning?

15 A. Yes.

16 Q. And what does Wellbutrin treat?

17 A. Depression.

18 Q. Okay. And what time this morning did you
19 take it?

20 A. 7:30.

21 Q. All right. Any other medications?

22 A. Adderall XR.

23 Q. What's the dosage?

24 A. 25 milligrams.

25 Q. How frequently?

1 D. Trahanas

2 A. Once a day about five times a day -- I'm
3 sorry, five times a week.

4 Q. Not every day?

5 A. No.

6 Q. Okay. And which days of the week do you
7 take it?

8 A. Monday through Friday.

9 Q. And you took that this morning as well?

10 A. Yes.

11 Q. 7:30?

12 A. Yes.

13 Q. And what does that treat?

14 A. ADHD.

15 Q. Okay. Any other medications?

16 A. I take -- I haven't taken it this morning.
17 Is that still --

18 Q. Yes.

19 A. Clonazepam. That's 1 milligram.

20 Q. How many times?

21 A. As needed. It could be once a day, it
22 could be twice or not at all.

23 Q. And today you did not take it?

24 A. I have not, no.

25 Q. And what does clonazepam treat?

1 D. Trahanas

2 A. Anxiety.

3 Q. Okay. Any other medications?

4 A. No.

5 Q. Does the Wellbutrin or Adderall impact
6 your ability to recall events?

7 A. No.

8 Q. Okay. Is there anything, any substance,
9 alcohol or any other substance that you've had in
10 the last 24 hours that could impact your ability to
11 recall events accurately and truthfully?

12 A. No.

13 Q. Is there anything that I should know about
14 that would impact your ability to testify accurately
15 and truthfully today?

16 A. No.

17 Q. All right. Did you review any documents
18 to prepare for your deposition today?

19 A. As you have sent over the Bates stamps
20 I've gone over those, but, I mean, not specifically
21 yesterday or anything like that.

22 Q. Okay. Did you speak with anybody other
23 than your lawyer to prepare for your deposition
24 today?

25 A. I've spoken to them but not to prepare.

1 D. Trahanas

2 Q. Okay.

3 A. About the trial, but not about -- or about
4 the case rather.

5 Q. Okay. So let me ask you this: Did you
6 meet with your -- and I don't want you to tell me
7 what you and your lawyer talked about, but did you
8 meet with your lawyer to prepare for your
9 deposition?

10 A. I'm not sure what you mean by "prepare,"
11 but he gave me a general idea of what was going to
12 happen.

13 Q. Again, I don't want to know about the
14 content of your discussion.

15 A. Sure.

16 Q. I just want to know, did you spend time
17 with your lawyer preparing for your deposition
18 today?

19 A. Sure.

20 Q. Okay. And was that yesterday?

21 A. No.

22 Q. When was that?

23 A. Wednesday.

24 Q. Wednesday.

25 A. The 3rd.

1 D. Trahanas

2 Q. And how much time did you spend with your
3 lawyer?

4 A. Probably an hour.

5 MR. DeROSE: I'll say two hours because
6 I'm keeping track of my hours, and I don't want to
7 get hooked on this later.

8 THE WITNESS: Okay, two.

9 BY MS. WERMUTH:

10 Q. You recall one hour?

11 A. It was an hour, an hour and a half --

12 Q. Okay.

13 A. -- at most.

14 Q. Okay.

15 MR. DeROSE: It was two hours at most.

16 THE WITNESS: Sure, two.

17 BY MS. WERMUTH:

18 Q. All right. Let me ask you this: You said
19 that you have spoken with folks about the trial or
20 the case, the litigation.

21 Can you identify who you've spoken with
22 for me, please?

23 A. My mom, Christina Trahanas.

24 Q. Okay. Anyone else?

25 A. My brother, Jim Trahanas.

1 D. Trahanas

2 Q. Okay. Anyone else?

3 A. As of recently, or are you talking about
4 anything that happened during the case, like during
5 the time of?

6 Q. Since you've left the employment of
7 Northwestern University.

8 A. Since Northwestern?

9 Q. Yes.

10 A. Sure. Renee Davros.

11 Q. Who is Renee Davros?

12 A. She is my friend.

13 Q. She did not work for Northwestern?

14 A. No.

15 Nicki Davros.

16 Q. Who is Nicki Davros?

17 A. Also my friend.

18 Q. She did not work for Northwestern?

19 A. No.

20 Dimitra Stamatoukos.

21 MR. DeROSE: Would you spell that, please?

22 THE WITNESS: Yes. D-i-m-i-t-r-a.

23 BY MS. WERMUTH:

24 Q. And what's the last time? Can you spell
25 that?

1 D. Trahanas

2 A. S-t-a-m-a-t-o-u-k-o-s. She has been
3 married, so I'm not sure if she changed it to her
4 married. Her last name is Freehill.

5 Q. F-r --

6 A. Free and then hill.

7 MR. DeROSE: Excuse me one second. You
8 tend to talk real fast. She might not get worn out
9 listening, but the court reporter will get worn out
10 trying to take you down. Slow down. She has got a
11 lot of questions for you. You're going to be here
12 for a while.

13 THE WITNESS: Okay.

14 MR. DeROSE: Talk slowly.

15 THE WITNESS: Okay. Sorry about that.

16 BY MS. WERMUTH:

17 Q. No apologies. Dimitra Freehill.

18 Who else?

19 A. Seth Wescott.

20 Q. Who is Seth Wescott?

21 A. He is a friend from since college.

22 Q. Okay. Did not work at Northwestern?

23 A. No. He's in the Navy right now.

24 Q. Who else?

25 A. Mike and Lisa Psarros. They're my

1 D. Trahanas

2 cousins.

3 MR. DeROSE: Spell the last name.

4 THE WITNESS: P-s-a-r-r-o-s.

5 BY MS. WERMUTH:

6 Q. Cousins?

7 A. Yes.

8 Q. Mike is also your tax preparer; is that
9 right?

10 A. Yes.

11 Q. Okay. Anyone else?

12 A. Nick Giangrande, G-i-a-n-g-r-a-n-d-e.

13 Q. Okay. And who is Nick?

14 A. He's a friend.

15 Q. Did not work at Northwestern?

16 A. Did not, no.

17 Q. Anyone else?

18 A. Would just kind of notifying somebody,
19 would that count?

20 Q. Yes. So when you say you've notified
21 somebody, are you talking about you've given them
22 notification by way of written notification, like a
23 text, an e-mail?

24 A. I chatted with them about there's going to
25 be a case going on and --

1 D. Trahanas

2 Q. So who are you talking about?

3 A. Salina Dominguez.

4 MR. DeROSE: Can you spell the last name?

5 THE WITNESS: Sure. D-o-m-i-n-g-u-e-z.

6 BY MS. WERMUTH:

7 Q. Okay. And she currently works at
8 Northwestern?

9 A. I believe so, yes.

10 Q. And she worked at Northwestern at the time
11 that you --

12 A. Yes.

13 Q. -- worked at Northwestern?

14 A. Her position has changed.

15 MR. DeROSE: Just wait until counsel
16 finishes the question.

17 THE WITNESS: Okay.

18 BY MS. WERMUTH:

19 Q. Okay. When you say you chatted with her,
20 by what means?

21 A. Over the phone.

22 Q. And when did you last chat with her?

23 A. Probably October. I think it was around
24 the time of Halloween.

25 Q. This past October?

1 D. Trahanas

2 A. Yes.

3 Q. Of 2017?

4 A. Of 2017, correct.

5 Q. Have you communicated with her in any way
6 other than through telephonic discussions?

7 A. About the case or in general?

8 Q. About the case.

9 A. The case, I believe we sent the text
10 messages that I had communicated with her but not at
11 the time in October.

12 Q. Okay. So have you communicated with her
13 by text message about your lawsuit or any of the
14 incidents involved in your lawsuit?

15 A. I perhaps sent her a text in alliance with
16 the phone call. I can't remember because I also
17 texted Carla Cuda, and I think that I -- I know I
18 texted Carla, but I can't remember if I texted
19 Salina only or if I called her.

20 MR. DeROSE: And could you spell
21 Ms. Cuda's last name?

22 THE WITNESS: Sure. C-u-d-a. She has
23 since been married also, so I'm not sure if she's
24 changed it, but I think she still goes by Cuda.

25

1 D. Trahanas

2 BY MS. WERMUTH:

3 Q. And does Carla still work for Northwestern
4 University?

5 A. She does.

6 Q. And she worked there when you worked
7 there --

8 A. Yes.

9 Q. -- as well?

10 Anyone else that you have spoken with
11 about either the incidents involved in your lawsuit
12 that form the basis of your lawsuit or the
13 litigation itself?

14 A. Melissa Wallin.

15 Q. And that's spelled W-a-l-l-i-n?

16 A. Correct.

17 Q. Okay. Does she still work at
18 Northwestern?

19 A. She does not.

20 Q. She used to?

21 A. Yes.

22 Q. Do you know when she left?

23 A. I believe late 2015.

24 Q. Okay. And you've stayed in touch with her
25 since that time?

1 D. Trahanas

2 A. Yes.

3 Q. And do you communicate with her by text
4 message as well as phone conversations?

5 A. Yes, that would be correct.

6 Q. Any other form of communication with
7 Melissa, Carla and Salina, like Facebook Messenger
8 or Facebook posts, Instagram, Snapchat?

9 A. No, other than liking one of their
10 pictures or something, but nothing to do with this,
11 nothing in conjunction with this case.

12 Q. Okay. Any other individuals?

13 A. I think that covers -- I think that's it.

14 Q. Now, as you mentioned, you did produce
15 some text messages between yourself and Salina
16 Dominguez and then separately between yourself and
17 Melissa Wallin, Wallin --

18 A. I think it's Wallin.

19 Q. -- some dated February of 2015, but I have
20 not seen any text messages other than those that
21 were I think the same day as the day that you went
22 on leave on February 17 of 2015.

23 Do you have other text messages between
24 these individuals about your litigation, the
25 lawsuit, the claims in your Complaint?

1 D. Trahanas

2 A. Not before that obviously; and then after
3 that, not that I can scroll back and find. I would
4 have to -- I tried to call my phone company, but
5 they won't go back as far as that, so there would
6 have to be another means of me trying to see. I
7 can't recall any.

8 Q. What about October of 2017?

9 A. Oh, yes, I can send you those or give you
10 the one that I sent Carla.

11 Q. Okay.

12 MR. DeROSE: Counsel, for those kind of
13 requests, would you put that in a letter to me, and
14 I'll remind her to get them to me and I will get
15 them to you.

16 BY MS. WERMUTH:

17 Q. So let me ask you this -- I will certainly
18 follow up with a 37.2 letter, John.

19 Can I ask you about what you did to
20 collect documents and electronically-stored
21 information in connection with this litigation?

22 A. What I did as far as -- I mean, I had a
23 folder from work, and basically whatever I had in
24 the folder I gave John or my attorney.

25 Q. Okay.

1 D. Trahanas

2 A. And then I tried to search through my
3 e-mails anything Northwestern, but I can't produce
4 as many as Northwestern can because the e-mails that
5 I had written, a lot of them that I'd written was
6 via my Northwestern account. We get an e-mail
7 account once we start working there. And so I no
8 longer have access to that account.

9 Q. Do you currently have the same Gmail
10 account -- you have a Gmail account, right?

11 A. Yes, yes.

12 Q. And is that the same e-mail account that
13 you had while you were employed at Northwestern?

14 A. Yes.

15 Q. And it was an e-mail account that you used
16 for some work-related purposes, correct?

17 A. Yes.

18 Q. Okay. And you searched your Gmail account
19 in connection with the document requests that were
20 sent to you?

21 A. Yes.

22 Q. Okay. And what did you do, like what
23 search terms did you use to search for documents?

24 A. People's names, like Dr. Schwulst,
25 Dr. Perlman or Harris, Salina, pretty much anybody

1 D. Trahanas

2 that worked in the lab.

3 Q. Okay.

4 A. If there was a specific event that I
5 recalled.

6 Q. So primarily you were searching for names.
7 Do I understand that correctly?

8 A. Yes.

9 Q. And the names that you were searching for
10 were anyone who worked in the lab?

11 A. In the lab, also with Ms. Fernandez, Daina
12 Fernandez.

13 Q. Okay.

14 A. And Mrs. or Ms. Burke. I'm not sure if
15 either are married.

16 Q. B-u-r-k-e?

17 A. Yes.

18 Q. Fernandez, F-e-r-n-a-n-d-e-z?

19 A. Yes.

20 Q. What's your date of birth?

21 A. July 17th, 1985.

22 Q. And where do you live? What's your
23 residential address?

24 A. 10602 South Vicky Lane, V-i-c-k-y.

25 Q. And do you live with anyone?

1 D. Trahanas

2 A. I live with my parents.

3 Q. Your parents live together?

4 A. Yes.

5 Q. Are they divorced?

6 A. They are not.

7 Q. How long have you lived at that
8 residential address?

9 A. We moved there probably right as I turned
10 one, so 30 -- I moved away for college and then I
11 moved back, so I'm not sure. Do you want me to
12 include the college years?

13 Q. That's okay. So you've lived with your
14 parents --

15 A. Correct.

16 Q. -- your whole life except for when you
17 were at college?

18 A. Correct.

19 Q. Okay. And so do you assist with household
20 expenses? Do you pay rent?

21 Let me ask you this: Do you pay rent?

22 A. I do not pay rent, no. I pay for my own
23 groceries.

24 Q. Do you pay utilities?

25 A. Not directly.

1 D. Trahanas

2 Q. Okay. Are you an owner of the home?

3 A. I am not.

4 Q. Do you own any vehicles?

5 A. Yes.

6 Q. What vehicles do you own?

7 A. A 2017 Acura.

8 Q. What about a motorcycle?

9 A. Yes.

10 Q. What kind of motorcycle?

11 A. It's a Honda. Do you want me to give you
12 the specific?

13 Q. That's okay. Do you have payments on
14 those two vehicles, or do you own them?

15 A. I have payments on the Acura. I own the
16 motorcycle.

17 Q. Okay. And what are the monthly payments
18 on the Acura?

19 A. 500.

20 Q. Is it a lease or is it a loan?

21 A. It's a loan through the car company.

22 Q. And what is your educational background?
23 What degrees do you have?

24 A. I did my Bachelor's of Science in biology.

25 Q. Okay. Where did you obtain that degree?

1 D. Trahanas

2 A. At the University of Illinois at Chicago.

3 Q. What year?

4 A. In 2007, and then a Bachelor of Arts in
5 psychology at the same school.

6 Q. Okay.

7 A. In 2007 as well, and then a Master's of
8 Science in biotechnology at Rush University.

9 Q. What year did you obtain your Master's?

10 A. 2009.

11 Q. And do you know off the top of your head
12 what your GPA for your biology degree was?

13 A. 3.2, between a 3 and a 3.2 I would say.

14 Q. You don't know precisely sitting here as
15 you speak?

16 A. I would guess more 3.2, but just so I'm
17 not -- I just want to be as accurate as I can.

18 Q. What about your Bachelor's in psychology?

19 A. 3.8.

20 Q. And what about your Master's?

21 A. 3.77.

22 Q. And are you currently in school?

23 A. I -- not this semester. I did take a
24 class.

25 Q. When did you take a class?

1 D. Trahanas

2 A. Last fall.

3 Q. Where?

4 A. I'm sorry, last -- this is 2017, so 2016
5 at Moraine Valley.

6 Q. So, I'm sorry, so in the fall of 2016 --

7 A. Correct.

8 Q. -- you took a single class?

9 A. Correct.

10 Q. At Moraine Valley?

11 A. Yes.

12 Q. Is that a community college?

13 A. Yes.

14 Q. Okay. And what was the class?

15 A. Anatomy and physiology and lab.

16 Q. The lab was attendant to the class?

17 A. Lecture, yes.

18 Q. And how did you perform?

19 A. I received an A in both the lab and
20 lecture.

21 Q. And why did you not continue taking
22 classes?

23 A. There's certain programs that require
24 certain electives, and I had not taken anatomy at
25 UIC. So one, I wanted to better prepare myself in

1 D. Trahanas

2 case I go back to school or when I go back to
3 school, and it was a requirement for some of the
4 schools that I would be applying to.

5 Q. When you say a requirement of the program
6 or a requirement of the school that I would be
7 applying to, what are you referring to?

8 A. Medical schools.

9 Q. Okay. Have you applied to medical school
10 before?

11 A. Since 2015?

12 Q. Ever.

13 A. Yes.

14 Q. How many times?

15 A. Three, maybe four.

16 Q. When was the first time?

17 A. 2008, 2009.

18 Q. For the '08-'09 academic year?

19 A. I applied -- I probably applied starting
20 my Master's for matriculation in 2009.

21 Q. Okay. And were you accepted anywhere?

22 A. No.

23 Q. Okay. And then when did you apply the
24 second time?

25 A. I believe that would be my time when I was

1 D. Trahanas

2 at Northwestern, the 2014. So you apply 2014 for
3 matriculation starting fall of 2015.

4 Q. And you did actually apply that year?

5 A. Yes.

6 Q. You completed your application?

7 A. Yes.

8 Q. Okay. All right. And when was the next
9 time?

10 A. Fall of 2017.

11 Q. So you're in the application process now?

12 A. Correct, right now.

13 Q. Okay. And you said three or four times.
14 Was there a fourth time?

15 A. I took such a break in between the
16 Master's and working I can't precisely say if I had
17 or hadn't. So I think check with AMCAS, and if
18 you'd like me to send that with John in the
19 letter --

20 Q. Yes, I would. We actually made a request
21 for those documents.

22 A. Sure, no problem.

23 Q. I'm going to need those.

24 And, John, just depending what those
25 documents show, we may have to agree to keep the

1 D. Trahanas

2 deposition open just because I didn't get the
3 documents.

4 MR. DeROSE: Could you give me all the
5 documents you're --

6 MS. WERMUTH: Certainly.

7 MR. DeROSE: Very well.

8 BY MS. WERMUTH:

9 Q. Okay. So immediately prior to working --
10 strike that.

11 What is Express Hair Studios?

12 A. That's my mother's salon.

13 Q. A hair salon?

14 A. Yes.

15 Q. Do you work there?

16 A. I help her. I don't -- I'm not employed
17 there.

18 Q. Okay. Have you ever received any wages
19 from Express Hair?

20 A. No, I have not.

21 Q. Do you have an ownership interest?

22 A. No.

23 Q. Now, you first started working at
24 Northwestern University in the summer of 2012.

25 Is that accurate?

1 D. Trahanas

2 A. Yes.

3 Q. Okay. Now, you had applied to various
4 jobs, research-type jobs at Northwestern University
5 starting in 2010.

6 Does that sound right to you?

7 A. Yes.

8 Q. Okay. So you applied to several jobs in
9 2010, correct?

10 A. Yes.

11 Q. You did not get any of those jobs?

12 A. No. I did have an interview prior to
13 interviewing with Dr. Schwulst. However, I'm not
14 sure what year that -- that application may have
15 been submitted in 2011, but I was interviewed in
16 2012 for another position at Northwestern.

17 Q. Okay. So between 2010 and the time that
18 you were hired by Dr. Schwulst, how many different
19 jobs at Northwestern did you apply to?

20 A. Between 2010 and 2012, if I had to take a
21 guess, maybe --

22 MR. DeROSE: Don't talk out -- excuse me,
23 don't think out loud because the reporter takes
24 everything down.

25 MS. WERMUTH: Excuse me.

1 D. Trahanas

2 MR. DeROSE: Just when you're ready to
3 answer, answer.

4 MS. WERMUTH: Let's try to refrain from
5 informing the witness how to answer questions. I
6 understand -- if you want to take a break and if at
7 any point in time you need a break, please let me
8 know. I'm happy to accommodate folks with breaks.
9 But let's just be careful about instructing the
10 witness during the examination.

11 MR. DeROSE: Counsel, I don't need to be
12 lectured by you as to how to take a deposition.
13 When I want to talk to my client I will. The record
14 will reflect if I am correct or wrong in doing so.
15 You may make your objection to it.

16 Right now may go ahead and ask your
17 question, Counsel.

18 MS. WERMUTH: Well, first of all, I wasn't
19 lecturing anybody. I want -- you know, this is --
20 and you are not taking the deposition. I'm taking
21 the deposition, and I don't need your permission to
22 ask questions.

23 So all I'm suggesting is that if you want
24 to give your client instructions you should do so
25 off the record; that while a question is pending

1 D. Trahanas

2 it's not appropriate to do that. That's all I'm
3 suggesting. We don't have to argue about it. I
4 just want to -- I'd like to --

5 MR. DeROSE: Very well, Counsel. I am
6 trying to help you make a good record here. But
7 I'll refrain. You go ahead.

8 But I will tell my client first, and if
9 you want to step out while I do it, fine. I want
10 you not to be thinking out loud. I want you only to
11 wait and then answer the question when you're
12 firmly -- when you have it firmly in your mind.

13 Go ahead, Counsel. I'm through.

14 MS. WERMUTH: Okay. And I will state for
15 the record again I think it is inappropriate for you
16 to advise your client during the course of a
17 deposition; I'm going to make that clear. And if it
18 continues, we will take it up as we need to.

19 BY MS. WERMUTH:

20 Q. All right. So how many times to the best
21 of your recollection did you apply to jobs at
22 Northwestern University before you were hired in
23 2012?

24 A. 15.

25 Q. Okay. And you got two interviews, one

1 D. Trahanas

2 with Dr. Schwulst and -- is that right?

3 A. Yes.

4 Q. So one was with Dr. Schwulst and the other
5 was with whom?

6 A. I don't recall his name, but I can give
7 you the building and the projects that they were
8 working on.

9 Q. Okay.

10 A. It was in the Robert H. Lurie building.

11 Q. Okay.

12 A. And they worked on nanotechnology with
13 cancer.

14 Q. Were you offered that job?

15 A. I can't remember if Dr. Schwulst offered
16 me a job before they did.

17 Q. So my question is, did you get a job offer
18 from this other lab?

19 A. No.

20 Q. Okay. And the job that you applied for at
21 Northwestern University was Research Technologist 2;
22 is that correct?

23 A. For Dr. Schwulst or -- yes.

24 Q. I'm sorry, good question.

25 So the job that you applied for in

1 D. Trahanas

2 Dr. Schwulst's lab was Research Technologist 2?

3 A. Yes.

4 Q. Okay, thank you. And at the time that you
5 applied were you working anywhere else?

6 A. Yes.

7 Q. Where were you working?

8 A. The University of Chicago.

9 Q. What were you doing at the University of
10 Chicago?

11 A. I was a research tech there.

12 Q. And did you voluntarily leave that
13 position?

14 A. Yes.

15 Q. What was your pay at the time that you
16 left?

17 A. 15 an hour.

18 Q. And what was your position there?

19 A. Research -- Lab Technician 1.

20 Q. And that position, do you know, was that a
21 position that was funded by a grant, if you know?

22 A. Most likely, yes.

23 Q. And why do you say "most likely"?

24 A. Most research projects at academic
25 institutions are grant-based.

1 D. Trahanas

2 Q. Okay. Did you interview with
3 Dr. Schwulst?

4 A. Yes.

5 Q. And do you recall when you interviewed
6 with Dr. Schwulst?

7 A. May of 2012.

8 Q. Did you interview with anyone else for the
9 job in Dr. Schwulst's lab?

10 A. Yes. I met with a few others that were
11 already in the lab with Dr. Perlman's lab.

12 Q. And who were those individuals?

13 A. Rana.

14 Q. What's her last name?

15 A. Saber, S-a-b-e-r.

16 Q. Okay. Anyone else?

17 A. Alexander Misharin, M-i-s-h-a-r-i-n.

18 Q. Anyone else?

19 A. Dr. Perlman, Harris Perlman.

20 Q. Anyone else?

21 A. Carla Cuda.

22 MR. DeROSE: Spell that.

23 THE WITNESS: C-u-d-a last name.

24 BY MS. WERMUTH:

25 Q. Anyone else?

1 D. Trahanas

2 A. That's all I can recall.

3 Q. Okay. So Dr. Perlman, obviously he's a
4 Ph.D.; is that right?

5 A. Yes.

6 Q. Okay. What about Alexander Misharin, a
7 Ph.D.?

8 A. Yes.

9 Q. Okay. Was he a faculty member, do you
10 know?

11 A. I believe he is an associate professor.
12 I'm not sure if that qualifies him as faculty.

13 Q. Okay. What about Rana or Rana Saber, is
14 she a Ph.D.?

15 A. She has a Master's, I believe. I wouldn't
16 know in what.

17 Q. Okay. And what about Carla Cuda?

18 A. She has her Ph.D.

19 Q. Do you know, is Carla faculty also?

20 A. I think she would be the same as
21 Alexander, but I'm not sure. I don't remember them
22 teaching.

23 Q. What about Dr. Perlman, was he faculty at
24 the university?

25 A. I believe so.

1 D. Trahanas

2 Q. When you interviewed with Dr. Schwulst,
3 did you have any conversation with him about your
4 pay, your pay expectations?

5 A. No, not that day.

6 Q. Okay. At some point -- how would you --
7 strike that.

8 At some point did you talk with
9 Dr. Schwulst about your pay expectations?

10 A. Yes, after the interview.

11 Q. After the interview. And when did that
12 conversation take place about the pay?

13 A. It took place starting over e-mail to set
14 up a phone call conversation, and then he called me
15 and we spoke about it over the phone.

16 Q. And what do you recall saying to him about
17 pay?

18 A. We were negotiating.

19 Q. Did you tell him that your expectation was
20 to be paid somewhere in the 20 to \$23 per hour
21 range?

22 A. I believe so.

23 Q. And did he tell you about how the --
24 whether the position was a funded position?

25 A. I don't remember specifically.

1 D. Trahanas

2 Q. Okay. Now, when you ultimately joined
3 Dr. Schwulst's lab, you understood that he was being
4 mentored as a young scientist by Dr. Perlman; is
5 that right?

6 A. Yes.

7 Q. Okay. So Dr. Schwulst's lab was set up
8 within the confines of Dr. Perlman's lab; is that
9 right?

10 A. Yes.

11 Q. Okay. And so there was some sharing of
12 equipment; is that right?

13 A. Yes.

14 Q. Okay. And the two labs were ultimately
15 studying different systems in the human body, right?

16 A. Can I ask you what you mean specifically
17 by "systems"?

18 Q. So let me ask you this: Dr. Perlman is a
19 rheumatologist?

20 A. Yes.

21 Q. And what is Dr. Schwulst?

22 A. He's a trauma surgeon, and we were
23 interested in traumatic brain injury.

24 Q. Okay. So Dr. Perlman wasn't necessarily
25 studying -- well, both labs were studying white

1 D. Trahanas

2 blood cells as I understand it?

3 A. We were studying the immune system.

4 Q. But for looking at different anatomical
5 systems. So, for example, you and Dr. Schwulst were
6 looking at the brain, correct?

7 A. Sure. Like prior to analysis of let's say
8 the immune system our prior functions were different
9 as a rheumatologist and then Dr. Schwulst as a
10 trauma surgeon.

11 Q. As a trauma surgeon?

12 A. Yes.

13 Q. Okay. And so you were the only person in
14 the lab that reported directly to Dr. Schwulst,
15 right?

16 A. Yes.

17 Q. Okay. So you were hired to help
18 Dr. Schwulst with his research, right?

19 A. Yes.

20 Q. Okay. Which was distinct from
21 Dr. Perlman's research?

22 A. Yes.

23 Q. So the reason you were in Dr. Perlman's
24 lab, however, is because Dr. Schwulst was a junior
25 scientist who needed to have a mentor with respect

1 D. Trahanas

2 to the development of his own scientific research?

3 A. Yes.

4 Q. Okay. And so, for example, Rana, Carla
5 and Sasha I think Alexander --

6 A. Yes.

7 Q. -- all worked for Dr. Perlman?

8 A. Correct.

9 Q. Okay. And when you joined Dr. Schwulst's
10 lab, you were aware that he did not yet have any NIH
11 funding for the work that he was doing, correct?

12 A. No, after a few months when I knew we were
13 applying for an NIH grant, but in terms of when I
14 started if I knew that, I don't think so.

15 Q. Okay. So at some point you became aware
16 of the fact that his research was not yet funded by
17 the federal government?

18 A. By NIH, yes, correct.

19 Q. NIH, okay. All right. Do you know what
20 his funding sources were prior to obtaining NIH
21 funding?

22 A. I did not.

23 Q. Okay. When you told Dr. Schwulst what
24 your salary requirements or desires were, what did
25 he say to you?

1 D. Trahanas

2 A. Are you referring specifically to that pay
3 amount that you gave me or --

4 Q. Well, so you testified that you told
5 Dr. Schwulst you were looking for somewhere between
6 20 and \$23 per hour, correct?

7 A. Correct.

8 Q. Okay. How did Dr. Schwulst respond to
9 that?

10 A. He said that what he would like to do is
11 he actually counteroffered me I believe 17, and so I
12 told him that that was too low.

13 Q. When you say he countered at 17, what was
14 his initial offer?

15 A. Well, I think I began with, you know, I
16 wanted 20, 23, because I think in an e-mail I gave
17 him an idea prior to our phone call ballpark of at
18 least the yearly salary that I would expect, which
19 would fall under that amount, 20 or 23 an hour.

20 Q. Okay. And he countered with 17?

21 A. I believe so, yes.

22 Q. And you said that's not enough?

23 A. I said -- I was trying to negotiate, so I
24 believe I countered with 21, and then we ended up
25 agreeing with 19.

1 D. Trahanas

2 Q. Okay. And then you agreed to accept the
3 job; is that right?

4 A. Yes, with the stipulation that after six
5 months if we got along and if we were making
6 progress we would go back to the issue.

7 Q. Of pay?

8 A. And talk about it, yes.

9 Q. And then you were given formal
10 notification of the offer and acceptance?

11 A. Yes.

12 MS. WERMUTH: Mr. Court Reporter, can we
13 mark this, please, as Exhibit 1.

14 (Exhibit 1 was marked for
15 identification.)

16 BY MS. WERMUTH:

17 Q. Okay. Ms. Trahanas, I've given you now
18 what's been marked as Deposition Exhibit Number 1.

19 Do you recognize that document?

20 A. Yes.

21 Q. And have you seen that letter before?

22 A. Yes.

23 Q. So that was a letter that you received on
24 or about May 21st of 2012 regarding the contours of
25 your job at Northwestern; is that right?

1 D. Trahanas

2 A. Yes.

3 Q. Okay. And it has in here a start date of
4 June 11th, 2012.

5 Do you see that?

6 A. Yes.

7 Q. And is that when you actually started at
8 the university?

9 A. Yes.

10 Q. Okay. And it says in the next sentence --
11 well, it says above that that you were being -- that
12 you had accepted the offer to work as a Research
13 Technologist 2.

14 Do you see that?

15 A. Yes.

16 Q. Okay. And you understood that to be your
17 position at the time, correct?

18 A. Yes.

19 Q. Okay. And then in the next sentence it
20 says your compensation will be \$19 per hour.

21 Do you see that?

22 A. Yes.

23 Q. Okay. So that was your starting pay?

24 A. Yes.

25 Q. That's accurate?

1 D. Trahanas

2 A. Yes.

3 Q. And then the letter goes on to say you
4 will be eligible for a salary review based on your
5 performance in September 2013.

6 Do you see that?

7 A. Yes.

8 Q. Okay. So that informed you that the first
9 time you could get your salary reviewed would be not
10 six months later but about 14 months later.

11 Do you see that?

12 A. Yes.

13 Q. Okay. And you didn't take issue with that
14 at the time?

15 A. I probably didn't think that this would
16 override Dr. Schwulst's word.

17 Q. So here's my question. You didn't take
18 that issue up with HR at the time, correct?

19 A. No.

20 Q. Okay. And you didn't take it up with
21 Dr. Schwulst at the time that you received this
22 letter?

23 A. No.

24 Q. Okay. All right. So when you started
25 working at Northwestern you were required to fill

1 D. Trahanas

2 out some forms and an application; is that right?

3 Do you remember?

4 A. I'm sorry, can you restate it, the
5 beginning part at least?

6 Q. Sure. So once you actually started
7 working at Northwestern University you were required
8 to fill out a job application; is that right?

9 A. Yes.

10 Q. Okay. And you were also required to fill
11 out a Personal Data Form.

12 Does that sound familiar to you?

13 A. Yes.

14 Q. And you actually filled these documents
15 out on your first day of work.

16 Does that sound right to you?

17 A. I can't specifically say if it was
18 June 11th. We had like an orientation day, and I'm
19 not sure if that was assigned or how much -- it was
20 in the beginning. It was definitely in June, but I
21 can't specifically testify that it was June 11th.

22 Q. Okay. Fair enough.

23 Can we have this marked as 2, please.

24 (Exhibit 2 was marked for
25 identification.)

1 D. Trahanas

2 BY MS. WERMUTH:

3 Q. Okay. So you've now been handed what's
4 been marked as Deposition Exhibit Number 2.

5 Do you recognize that document,
6 Ms. Trahanas?

7 A. Yes.

8 Q. Okay. And is that your signature down
9 sort of two-thirds of the way down where it says
10 Employee's Signature?

11 A. Yes.

12 Q. Okay. And the date looks like it was
13 6/11/12; is that right?

14 A. Correct.

15 Q. Okay. And is this your handwriting on
16 this form?

17 A. Yes.

18 Q. So you completed this form, correct?

19 A. Yes.

20 Q. And let me just note for the record that I
21 see your social security number is here, and we will
22 make sure that that gets redacted --

23 A. Thank you.

24 Q. -- insofar as it's used in connection with
25 the litigation at all.

1 D. Trahanas

2 Okay. Now, will you look with me at the
3 box that says Demographic Data.

4 Are you with me?

5 A. Yes.

6 Q. Okay. And then Question 18 appears to
7 have a number of subquestions, and the last one is
8 on the far right of the page. It says, "Do you have
9 a disability?"

10 Do you see that?

11 A. Yes.

12 Q. And there's a checkmark in the box that
13 says "no"?

14 A. Yes.

15 Q. And you put that checkmark there?

16 A. At the time, yes.

17 Q. Okay. Can you mark this as 3, please.

18 (Exhibit 3 was marked for
19 identification.)

20 BY MS. WERMUTH:

21 Q. Okay. You've now been handed what's been
22 marked as Deposition Exhibit Number 3.

23 Do you recognize that document?

24 A. I don't recognize it by seeing it.

25 However, it is Bates stamped, so I may have seen it

1 D. Trahanas

2 within the exhibits that you sent my attorney.

3 Q. Okay. Fair point. So let me turn your
4 attention to the very last page, the third page of
5 the document. There's a handwritten signature
6 there.

7 A. Yes.

8 Q. Is that your signature?

9 A. Yeah.

10 Q. Okay. So you -- and I'm sorry, there's a
11 date there of June 11, 2012.

12 Do you see that?

13 A. Yes.

14 Q. Okay. And is that your handwriting?

15 A. Yeah.

16 Q. So does this refresh your recollection as
17 to whether or not you would have seen this on
18 June 11th, 2012, and signed it?

19 A. It's possible. I mean, if I signed it
20 that day, then yes.

21 Q. Okay. And according to the box just above
22 your signature, the application was complete and
23 accurate, correct?

24 A. Can you restate your question?

25 Q. Yes. By signing this document, you were

1 D. Trahanas

2 attesting that the information that you had provided
3 in your application was true and accurate?

4 A. Yes.

5 Q. Okay. Let me ask you just a couple quick
6 questions. I notice you didn't put any former pay
7 information for any of your prior jobs.

8 Can you tell me why?

9 A. I don't -- probably because I didn't think
10 it was necessary.

11 Q. Okay. And also I noticed that you don't
12 put your last day of employment at the University of
13 Chicago.

14 Is there any reason why you didn't put
15 that date?

16 A. No. That must have been an oversight.

17 Q. Okay. You were not fired from the
18 University of Chicago?

19 A. No. I gave two weeks' notice there.

20 Q. Okay. And then I see on the second page
21 under License/Certificate there's something that
22 says LCNL.

23 Can you just tell me what that is? I just
24 don't know what that is.

25 A. Which?

1 D. Trahanas

2 Q. On the page that's Bates labeled 82
3 there's a box that says License/Certificate about a
4 third of the way down, and then it says LCNL.

5 Do you see that?

6 A. Yes.

7 Q. Do you know what that refers to?

8 A. Right now I don't know what that acronym
9 stands for.

10 Q. Do you hold any licenses or certificates?

11 A. We were certified in laboratory-based
12 techniques from Rush.

13 Q. Okay. And certified by what entity?

14 A. Via the university; and there was probably
15 one other signature on anything, but I don't know
16 what the entity was.

17 Q. Okay. And when you say "the university,"
18 you're talking about Rush University?

19 A. Yes.

20 Q. Okay, thank you. And you don't hold any
21 licenses?

22 A. No.

23 Q. Okay. Can you mark this, please, as 4.

24 (Exhibit 4 was marked for
25 identification.)

1 D. Trahanas

2 BY MS. WERMUTH:

3 Q. Ms. Trahanas, you've been handed what's
4 been marked as Deposition Exhibit 4.

5 Do you recognize the name and signature on
6 this document?

7 A. Yes.

8 Q. Is that your name and your signature?

9 A. Yes.

10 Q. And you personally filled this form out?

11 A. Yes.

12 Q. Okay. And you filled it out on June 11th
13 of 2012?

14 A. Yes.

15 Q. Okay. And this is a form acknowledging
16 receipt of the Northwestern University Staff
17 Handbook; is that correct?

18 A. Yes.

19 Q. Okay. And this form acknowledges that you
20 actually received a copy of the handbook on that
21 date, correct?

22 A. Correct.

23 Q. Okay. And the first paragraph of this
24 acknowledgment form informs the recipient that the
25 handbook contains important information about

1 D. Trahanas

2 policies at the university, correct?

3 A. Yes.

4 Q. And it specifically talks about

5 information about leaves of absences.

6 Do you see that?

7 A. Yes.

8 Q. Okay. And it also specifically mentions

9 that certain policies that, quote, every employee

10 must know, end quote, included the sexual harassment

11 policy.

12 Do you see that?

13 A. Yes.

14 Q. Okay. And then it said also be sure to

15 call human resources if you have questions about the

16 policies.

17 A. Sure.

18 Q. Okay. Can we mark this as 5, please.

19 (Exhibit 5 was marked for
20 identification.)

21 BY MS. WERMUTH:

22 Q. So I've handed you now what's been marked

23 as Deposition Exhibit 5.

24 Do you have that, Ms. Trahanas?

25 A. Yes.

1 D. Trahanas

2 Q. Okay. And does this look like the
3 handbook that you received on June 11th of 2012?

4 A. Yes.

5 Q. Okay. And this handbook, in fact, does
6 have information in it about leaves of absences and
7 sexual harassment, correct?

8 A. Yes.

9 Q. Okay. So, for example, if you would turn
10 with me to -- it's Page 9 of the handbook. It's
11 also Bates labeled 1332.

12 A. Okay.

13 Q. There's a provision there about
14 nondiscrimination at the university, correct?

15 A. Yes.

16 Q. Okay. And it specifically says that the
17 university does not discriminate against any
18 individual on a variety of bases, and it included
19 sex and sexual orientation.

20 Do you see that?

21 A. Yes.

22 Q. It also included disability, correct?

23 A. Yes.

24 Q. And then it explained -- it gave a
25 definition of what harassment can be, correct?

1 D. Trahanas

2 A. Yes, it gives a definition.

3 Q. Okay. And then it gives you information
4 about how to file a complaint of discrimination at
5 the university, correct?

6 A. It does.

7 Q. Okay. And on the next page there's a
8 section regarding how to seek an accommodation for a
9 disability, correct?

10 A. Yes.

11 Q. Okay. And on the next page, Page 11,
12 which is also marked 1334, there's information about
13 how to seek a promotion, correct?

14 A. Yes.

15 Q. Okay. And it informs the employee that a
16 promotion must be accompanied by an application,
17 correct?

18 A. What line are you looking at? I'm sorry.

19 Q. So there's a bolded word section that
20 reads Application, period.

21 Do you see that?

22 A. Yes.

23 Q. And it says, "To ensure consideration for
24 a position, the staff member submits an application
25 for transfer or promotion along with a resumi½ to the

1 D. Trahanas

2 human resources department."

3 Right?

4 A. Yes.

5 Q. Okay. Okay. And then if you turn to
6 Page 33, which is also Bates labeled 1356 -- strike
7 that. That's an unpaid leave of absence. Give me
8 just a moment.

9 I'm sorry, 1356, if you would go to that
10 page, please. Oh, that is where we were, right?
11 Okay.

12 So there are a variety of types of --
13 well, strike that.

14 Go to 1354, Page 31. The university on
15 this page explains the various types of paid leaves
16 of absence.

17 Do you see the second section on that
18 page?

19 A. Yes. Kinds of leave?

20 Q. Yes. And it says paid leave is available
21 for absence due to sickness or injury, and then it
22 also goes on to say unpaid leave of absence is
23 granted for personal medical care for an employee's
24 serious health condition.

25 Do you see that?

1 D. Trahanas

2 A. Yes.

3 Q. And on Page 33 then it has information
4 about how to obtain that type of a leave, correct?

5 A. Under -- I'm sorry, specifically
6 certifications and approval, is that what you're
7 looking at?

8 Q. Correct. And that provision actually
9 provides that the employee's written request
10 specifying the reason for the leave and the start
11 and ending dates must be submitted to the department
12 manager at least two weeks before the leave starts
13 except in emergency.

14 Do you see that?

15 A. Yes.

16 Q. Okay. So if there's an emergency
17 situation notice might not -- an employee might not
18 be able to give notice, right?

19 A. Yes.

20 Q. But if you have an opportunity to give
21 notice the university expected that, right?

22 A. As it states here, yes.

23 Q. Okay. And do you know what the reason for
24 giving notice would be or the rationale why the
25 university would want notice of an impending leave

1 D. Trahanas

2 or absence?

3 MR. DeROSE: Objection to the form to the
4 extent this calls for a conclusion on the part of
5 the witness for somebody else's reason.

6 But you may answer.

7 THE WITNESS: I guess they would just want
8 to know.

9 MR. DeROSE: Objection to guessing.

10 THE WITNESS: They would like to know.

11 BY MS. WERMUTH:

12 Q. So that they can make arrangements for
13 coverage, for example, that would be a reason for
14 giving notice; is that right?

15 MR. DeROSE: Objection to the form that
16 this calls for a conclusion on the witness' part for
17 someone else's stated motives.

18 But you may answer the question if you
19 know.

20 THE WITNESS: Maybe they would like it as
21 a courtesy.

22 BY MS. WERMUTH:

23 Q. So you would agree with me that it's
24 reasonable for an employer to expect notice of a
25 leave if notice can be given?

1 D. Trahanas

2 A. I'm sorry, can you resay that?

3 Q. Yes. You would agree with me that it's
4 reasonable generally speaking for an employer to
5 expect notice of an absence if such notice can be
6 given?

7 A. Sure.

8 Q. Okay. Now, if you look at Page 51 of the
9 handbook, which is also Bates labeled 1374.

10 MR. DeROSE: Wait one second. 51, I'm
11 sorry, Counsel?

12 MS. WERMUTH: No problem. Yes, 51 of the
13 handbook, which is Bated labeled 1374.

14 BY MS. WERMUTH:

15 Q. Are you with me, Ms. Trahanas?

16 A. Yes.

17 Q. So you would see on this page that the
18 university lays out its policy on sexual harassment,
19 correct?

20 A. Yes.

21 Q. And under the section labeled Examples,
22 are you with me?

23 A. Yes.

24 Q. Okay. It specifically mentions that
25 belittling remarks about a person's gender or sexual

1 D. Trahanas

2 orientation is an example of what sexual harassment
3 may include, correct?

4 A. Yes, it's stated there.

5 Q. Okay. And it also talks about the
6 university's position on retaliation for making
7 reports under this policy, correct?

8 A. Yes, it does state it.

9 Q. And it states that it prohibits
10 retaliation, correct?

11 A. Yes.

12 Q. Okay. And if you go to the next two
13 pages, there's a variety of information about to
14 whom an employee can make reports of harassment,
15 correct?

16 A. Are you specifically talking about the
17 Personal Safeguards page or the other page?

18 Q. Pages 52 and 53. There's information
19 about where an employee -- what an employee can do
20 if they believe they are being harassed and where
21 they can go for help?

22 A. Yes.

23 Q. Okay. What is your sexual orientation?

24 A. Heterosexual.

25 Q. Okay. Can you mark this, please, as 6.

1 D. Trahanas

2 (Exhibit 6 was marked for
3 identification.)

4 BY MS. WERMUTH:

5 Q. Ms. Trahanas, you've been handed what's
6 been marked as Deposition Exhibit 6.

7 Do you recognize that document?

8 A. Yes.

9 Q. Okay. And what do you recognize this
10 document to be?

11 A. A welcoming letter.

12 Q. Okay. And this one is dated October 2012,
13 right?

14 A. Yes.

15 Q. So this is about, what, four months after
16 you started?

17 A. Yes.

18 Q. Okay. And so the offer letter that we
19 looked at previously was -- and, I'm sorry, it was
20 marked as Exhibit -- was it 1?

21 MR. DeROSE: I think it was.

22 BY MS. WERMUTH:

23 Q. Okay. So that record -- or, I'm sorry,
24 Exhibit 1 did not have an end date on the
25 employment, correct? It just had a start date,

1 D. Trahanas

2 right?

3 A. Yes.

4 Q. Okay. And so was that an orientation
5 period to your understanding?

6 A. In May -- I'm sorry, in June? Yes.

7 Q. Okay. And so then in October you had
8 passed your orientation period, and you got the
9 formal one-year appointment, is that correct, that
10 we see in Exhibit 6?

11 A. Yes.

12 Q. Okay. And according to this document your
13 position would begin on October 30th, 2012, and end
14 the following October 30th, a year later.

15 Do you see that?

16 A. Yes.

17 Q. Okay. And the salary rate given to you or
18 you were notified of was \$19 per hour?

19 A. Yes.

20 Q. Okay. So your rate did not go up in that
21 first year of employment?

22 A. No.

23 Q. Okay. And did you complain to anybody in
24 HR at the time that you got this letter?

25 A. No.

1 D. Trahanas

2 Q. Okay. Can we mark this as 7, please.

3 (Exhibit 7 was marked for
4 identification.)

5 BY MS. WERMUTH:

6 Q. Okay. You've been handed what's been
7 marked as Deposition Exhibit 7.

8 Do you recognize that document?

9 A. Yes.

10 Q. What do you recognize it to be?

11 A. An extension offer.

12 Q. Okay. And this was given to you in
13 November of 2013; is that correct?

14 A. Correct.

15 Q. And according to this letter, the position
16 began on November 1st, 2013, and ended on August 31,
17 2014; is that right?

18 A. Yes.

19 Q. And your pay was increased to 19.48 per
20 hour at that time?

21 A. Yes.

22 Q. And you accepted that offer?

23 A. Yes.

24 Q. And you did not complain to human
25 resources about your pay at that time?

1 D. Trahanas

2 A. No.

3 Q. Okay. All right. So can you briefly
4 describe for me what your job functions at the
5 university working in Dr. Schwulst's lab were?

6 A. From 2012 all the way until --

7 Q. Yes, just generally during the period of
8 time that you worked. And if they changed over time
9 let me know that.

10 But during the period of time that you
11 worked in Dr. Schwulst's lab, what were you
12 responsible for doing?

13 A. So mostly I -- because Dr. Schwulst was in
14 trauma surgery or in his trauma unit two weeks --
15 for two weeks at a time, I would basically be
16 handling all of the lab sort of duties from
17 experiments, such as inducing a traumatic brain
18 injury to the mice that we were using as a model.

19 Q. Okay.

20 A. To collecting samples, tissue samples.

21 Q. From the mice?

22 A. From the mice, correct.

23 Q. The mice's brain?

24 A. It wasn't just the brain. We did other
25 organs as well.

1 D. Trahanas

2 Q. Okay.

3 A. Processing those tissues, like cleaning
4 and filtering, and then isolating the specific cells
5 that we were interested in, immune cells, and then
6 staining those so that we could run them through
7 flow cytometry.

8 Q. And what is flow cytometry?

9 A. Flow cytometry, basically you put colored
10 stained cells in a tube, the isolated stained cells
11 that you want through a tube, and then it goes
12 through a specific machine; and the machine then is
13 connected to a computer who shows you the data as to
14 what type of cells you're collecting or population
15 of cells.

16 Q. And then what do you do with the data?

17 A. You analyze the data to see if our
18 hypothesis was correct or what we were really
19 learning that TBIs were inducing.

20 Q. Have you ever used this -- I'm sorry.

21 Is flow cytometry the process or the
22 machine?

23 A. Flow cytometry is the process.

24 Q. Okay. And what was the name of the
25 machine that you used to do that process?

1 D. Trahanas

2 A. LSR II.

3 Q. Okay. And was that equipment, the LSR II,
4 was that equipment owned by Dr. Perlman's lab?

5 A. It was in that lab. However, I'm not sure
6 if only Dr. Perlman -- it's a very expensive
7 machine, so I'm not sure if only Dr. Perlman owned
8 it or if there was another lab or I guess doctor
9 that -- doctor's lab that owned it with him.

10 Q. Okay, fair enough. Now, before you
11 started working in Dr. Schwulst's lab, had you ever
12 done flow cytometry before?

13 A. Once at Rush, and prior to leaving the
14 University of Chicago I took a course there that
15 Dr. Schwulst had suggested for me prior to going to
16 Northwestern.

17 Q. Okay. To help you learn --

18 A. Sure.

19 Q. -- how to do the job?

20 A. Yes.

21 Q. And then you I assume had to have some
22 additional training while you were in Dr. Schwulst's
23 lab?

24 A. Yes.

25 Q. Okay. And because Dr. Schwulst was not in

1 D. Trahanas

2 the lab all the time, some of that training came
3 from individuals in Dr. Perlman's lab; is that
4 right?

5 A. Yes.

6 Q. Okay. And you said you mentioned that the
7 subjects that you used in Dr. Schwulst's research
8 were mice; is that right?

9 A. Yes.

10 Q. And those mice have to be purchased by
11 Dr. Schwulst?

12 A. Yes, via a vendor, yes.

13 Q. Okay. And so you would help with those
14 purchasing responsibilities; is that right?

15 A. Yes.

16 Q. Okay. And because it's an animal subject,
17 there are certain protocols that have to be put into
18 place about the treatment of the animal, correct?

19 A. Yes.

20 Q. Okay. And that has to go through a
21 committee at Northwestern University. Those
22 protocols have to be approved by a committee at
23 Northwestern University, right?

24 A. Correct, IACUC.

25 Q. I'm sorry?

1 D. Trahanas

2 A. It's called IACUC, I-A-C-U-C.

3 Q. And do you know what that stands for?

4 A. I can't recall the acronym's exact name.

5 Q. Okay.

6 MR. DeROSE: I bet they had something to
7 do with animal cruelty though.

8 MS. WERMUTH: Okay.

9 BY MS. WERMUTH:

10 Q. You understood that and you were actually
11 included on the protocol in Dr. Schwulst's lab as
12 someone who would be working with the mice?

13 A. Yes.

14 Q. Okay. And so you were well-versed in that
15 protocol then?

16 A. Yes.

17 Q. Right. And you knew that there were
18 certain -- that, for example -- well, let me back up
19 for a minute.

20 So you said that part of your job involved
21 applying an injury to the mice; is that right?

22 A. Yes.

23 Q. Okay. Is that knocking? Do you call that
24 knocking?

25 A. We would -- formally on an IACUC protocol

1 D. Trahanas

2 we wouldn't call it that.

3 Q. I understand.

4 A. But we would say hit.

5 Q. Okay. And did the protocol contain
6 information about how long after the injury had been
7 applied to the mice it could remain alive before it
8 had to be euthanized?

9 A. Yes.

10 Q. Okay. And do you recall off the top of
11 your head what that time period was?

12 A. Our experiments varied. I can't remember
13 in 2012. Each year we had to update it.

14 So in 2012 I'm not sure if our study
15 included, if that protocol included each time point
16 that we would use between 24 hours and 72, so it's
17 possible it only stated 24. And then once we
18 hypothesized maybe changing the amount of time we
19 would wait after the injury, then that would have to
20 be included in the protocol.

21 Q. Okay. And that has to do with making sure
22 that the animals are treated humanely and not
23 suffering?

24 A. Of course.

25 Q. Is that right?

1 D. Trahanas

2 A. Yes.

3 Q. Okay. And so the protocol might be that
4 anywhere between 24 to 72 hours after injuring the
5 mouse the mouse had to be euthanized; is that right?

6 A. Yes.

7 Q. Okay. And do you know, how many mice
8 would you have in the lab at any given time?

9 A. The mice were housed in a subbasement
10 actually, not in the lab.

11 Q. Okay.

12 A. But depending on when we would schedule
13 experiments, because each day that a mouse -- I
14 wouldn't call it cabin but we called them cabins
15 within the lab, but each box contains five mice. So
16 that box would cost X amount per day for
17 Dr. Schwulst or Dr. Perlman or whoever to keep the
18 mice in housing because they need to be monitored,
19 and there's specific things that need to be taken
20 care of in the basement; so they would be charged.

21 So sometimes we would have four cages,
22 which is five mice per cage, so about 20 mice.

23 Q. Okay.

24 A. At one time -- I can't recall a time that
25 we had more than 30.

1 D. Trahanas

2 Q. 30 cages or 30 mice?

3 A. 30 mice.

4 Q. Okay.

5 A. But our mice were not genetically
6 engineered. They were more or less common mice, so
7 we could order them and receive them relatively
8 quickly. So as long as we could plan about a week
9 or so ahead of time we would be able to have the
10 mice in the lab -- not in the lab, I'm sorry, in the
11 subbasement.

12 So once we were done with an experiment we
13 would analyze it, see what the results say,
14 fine-tune things, adjust things; and then it could
15 be a week or it could be a couple days and then I
16 would order another set. So there was time periods
17 where there were none; there were other times where
18 there were 20 or 30 at most.

19 Q. Okay.

20 A. 20 to 30 total mice.

21 Q. And so there was a cost for ordering the
22 mice as well as a cost for storing the mice?

23 A. Correct, separate.

24 Q. Got it, okay. So one was an external cost
25 and one was an internal cost?

1 D. Trahanas

2 A. Yes. One was for the vendor to deliver
3 the models, the mice, and then the other was for the
4 university's management.

5 Q. Okay. But that came out of Dr. Schwulst's
6 research budget?

7 A. Yes, both did.

8 Q. Both did, okay. Now, you mentioned that,
9 you know, from time to time as you hypothesized and
10 analyzed data you would have to tweak your
11 methodologies and your protocols; is that right?

12 A. Yes.

13 Q. Okay. And that's sort of what science is,
14 right, so it's trial and error often, correct?

15 A. Yes.

16 Q. And the same would be true for protocols
17 as they relate to processes being used in the lab as
18 well; is that right?

19 A. Yes.

20 Q. Okay. And so there may be changes to, for
21 example, the flow cytometry protocol from time to
22 time?

23 A. So the flow cytometry protocol has -- I
24 don't want to just lump it into one protocol.
25 There's kind of different steps to it. But

1 D. Trahanas

2 generally the preparation of the cells, the protocol
3 remained relatively similar, but depending on the
4 tissue and what cells we were looking for and the
5 colors that we would use with those cells, that
6 could change.

7 Q. Okay. And these protocols that relate to
8 the variety of processes that you were using in the
9 lab, were they in writing?

10 A. Yes.

11 Q. Okay. And typically they have to be in
12 writing for purposes of any sort of funding that
13 goes along with them, correct?

14 A. Funding, but also so we could keep record
15 and know where we started, where we ended, where we
16 may have gone wrong, just for record keeping.

17 Q. Got it. Okay. And so sometimes you were
18 involved with tweaking and modifying some of the
19 protocols; is that right?

20 A. Yes.

21 Q. Okay. And when you did that, did you
22 share that information with others in the lab?

23 A. With Dr. Schwulst. I presented a couple
24 times during lab meetings with Dr. Perlman's lab.
25 We would -- I would also attend, and if Dr. Schwulst

1 D. Trahanas

2 was not on service he would also attend.

3 So during those times I would speak to
4 others about it and within the Perlman lab.

5 Q. Okay. And how frequently did Dr. Perlman
6 hold lab meetings?

7 A. It would depend on the time of year also.
8 I know he celebrated specific holidays, so if it
9 wasn't -- he would be accommodating, knowing, you
10 know, Christmas break for some in the lab, and then,
11 you know, he celebrated Hanukkah and stuff.

12 So naturally during holiday season the lab
13 meetings would kind of taper off, but generally
14 during the year I would say at least once a month.

15 Q. And they would take place in the lab
16 proper?

17 A. No. They would take place in the
18 conference room that was kitty-corner to the lab.

19 Q. And how long would they last?

20 A. Anywhere from 15 minutes to an hour and a
21 half.

22 Q. Okay. Now, while you were working in
23 Dr. Schwulst's lab, you also, in terms of analyzing
24 the data, you also coauthored papers and manuscripts
25 with Dr. Schwulst; is that right?

1 D. Trahanas

2 A. Yes.

3 Q. Okay. And you actually appear as an
4 author on a number of articles with Dr. Schwulst --

5 A. Yes.

6 Q. -- is that right? Okay.

7 Do you know how many of those, how many
8 articles that you were a coauthor on during the
9 period of time that you worked with Dr. Schwulst?

10 A. Articles, do you mean just specifically
11 papers or presentations as well?

12 Q. Well, why don't you tell me the full
13 gamut.

14 A. Four papers, three presentations.

15 Q. And what does it mean in terms of being
16 like -- when a publication is or a paper is
17 published, the multiple authors' names appear in
18 succession.

19 What does it mean if your name is the
20 first in the name of succession?

21 A. Generally it's pretty much someone who did
22 most of the work and then, you know, the second
23 person -- everyone contributed. The first person
24 contributed the most, but then the last name is the
25 senior author, which basically shows like oversight,

1 D. Trahanas

2 just like Dr. Perlman and Dr. Schwulst would more
3 than likely be mostly at the end of publications at
4 this point in their careers just because they're
5 very versed and so far in their careers.

6 Q. Okay. And, I'm sorry, you said you had
7 how many papers published with Dr. Schwulst?

8 A. I believe four.

9 Q. And you would agree that was a good
10 opportunity for you to get published as a result of
11 your work at the university?

12 A. Yes.

13 Q. Okay. And you also -- I think you just
14 mentioned that you from time to time also presented
15 at conferences?

16 A. I presented a -- myself had a poster
17 presentation, and Dr. Schwulst lecture presented.

18 Q. Okay. And what is a poster presentation?

19 A. We basically would have a giant-sized
20 poster with pictures, and it kind of gives you a
21 synopsis of our entire research paper but just on a
22 poster board so people could walk around and talk
23 about it.

24 Q. Okay. So you were responsible for
25 preparing the poster board that was being displayed

1 D. Trahanas

2 then?

3 A. Yes.

4 Q. Okay. And that's considered a
5 presentation?

6 A. A poster presentation, yeah; a
7 presentation, but poster presentation specifically.

8 Q. Okay. And so you can put that on your
9 resumé;½ as sort of like you being the senior author
10 of that particular presentation, like your name
11 would go last?

12 A. No, it would go -- because it's based on a
13 paper, whatever the paper -- if I was first author
14 on that paper, then yes. I would never be a senior
15 author just because I would never oversee anything.
16 I'm not, you know, a mentor or a boss at that point.

17 So I would not be a senior author, so I
18 would more than likely be the first author.

19 Q. Okay.

20 A. But it's based on the paper that we were
21 writing about, so that's how that order would go.
22 It would be parallel to that paper.

23 Q. I see. Thank you for that clarification.

24 Okay. So it's very different in legal publications.

25 A. Sure.

1 D. Trahanas

2 Q. So you would agree with me that having
3 those opportunities to present at national
4 conferences was also good for your career?

5 A. Yes.

6 Q. Okay. And you traveled with Dr. Schwulst
7 on at least a couple of occasions to national
8 conferences; is that right?

9 A. Yes.

10 Q. Once I think West Coast, is that right,
11 and once in North Carolina?

12 A. Yes. Once was in San Diego, California,
13 and the other time was in Charlotte, North Carolina,
14 yes.

15 Q. Okay. And that was the Shock conference;
16 is that right?

17 A. Yes.

18 Q. And that's sort of the premier association
19 for injury-related research; is that right?

20 A. What was the first part? I'm sorry?

21 Q. Is Shock the -- Shock is an association,
22 am I right, about that, a medical association?

23 A. Yes, yes.

24 Q. And that's the premier association for the
25 study of injury?

1 D. Trahanas

2 A. Yes.

3 Q. Okay. And you went to two of those
4 national conferences?

5 A. Correct.

6 Q. Okay. And you would agree with me that
7 you did a pretty good job while you worked at
8 Northwestern University?

9 A. Yes.

10 Q. Okay. So you would say that you did
11 better than a pretty good job; is that right?

12 A. Yes.

13 Q. Okay. You think you were a very good
14 performer?

15 A. Yes.

16 Q. Okay. Can we mark this, please, as 8.
17 (Exhibit 8 was marked for
18 identification.)

19 BY MS. WERMUTH:

20 Q. Okay. You've been handed Deposition
21 Exhibit 8, Ms. Trahanas.

22 Looking at the last page, can you tell me
23 if that's your signature?

24 A. Yes.

25 Q. Okay. And can you tell -- so you've seen

1 D. Trahanas

2 this document before?

3 A. Yes.

4 Q. And what do you know it to be?

5 A. It's our performance review, our annual
6 performance review.

7 Q. Is this your annual performance review?

8 A. It's a performance review that our
9 superiors gave to me, so Dr. Schwulst gave to me.

10 Q. Okay. And in this document it is your
11 performance that is being reviewed, correct?

12 A. Correct.

13 Q. Okay. And the date of your signature is
14 May 28th of 2013?

15 A. Yes.

16 Q. So this was about a year into working in
17 the lab?

18 A. Yes.

19 Q. Okay. So this is your first formal
20 review?

21 A. Yes.

22 Q. Okay. And you agreed with it, correct?

23 A. I did.

24 Q. Okay. Your overall year-end rating was
25 highly effective?

1 D. Trahanas

2 A. Yes.

3 Q. Okay. And underneath your signature
4 there's a sentence that reads that the employee may
5 attach a response page if he or she wishes.

6 Do you see that?

7 A. I do.

8 Q. Okay. And you did not attach a response
9 to this particular document?

10 A. I did not, no.

11 Q. Okay. Was there something else you wanted
12 to add?

13 A. No.

14 Q. Can you mark this, please, as 9.

15 (Exhibit 9 was marked for
16 identification.)

17 BY MS. WERMUTH:

18 Q. Okay. Ms. Trahanas, you've been handed
19 Deposition Exhibit 9.

20 Do you recognize that document?

21 A. Yes.

22 Q. And what do you recognize that document to
23 be?

24 A. It is another performance annual review.

25 Q. And if you look at the last page, that's

1 D. Trahanas

2 your signature on the document?

3 A. Yes.

4 Q. Okay. And it's dated April 17th, 2014.

5 Do you see that?

6 A. Yes.

7 Q. Okay. So this was about a year after the
8 one we just saw in Exhibit 8; is that right?

9 A. Yes.

10 Q. Okay. And, again, your overall rating was
11 highly effective.

12 Do you see that?

13 A. Yes.

14 Q. And you agreed with that rating?

15 A. I did.

16 Q. Okay. And you did not attach any
17 responses to this document either?

18 A. I did not.

19 Q. Okay. Now, in the Comments section on the
20 last page, do you see that?

21 A. Yes.

22 Q. Okay. Do you know whose comments those
23 are?

24 A. I believe this to be Dr. Schwulst's.

25 Q. Okay. And did the two of you have any

1 D. Trahanas

2 conversations about the contents of his comments in
3 or around the time of April 2014?

4 A. Yes.

5 Q. Okay. And when do you recall having a
6 conversation about the topics raised in his
7 comments?

8 A. Very close to that date, if not that day.

9 Q. Okay. And what do you recall about that
10 conversation? First of all, where do you recall it
11 taking place?

12 A. The conversation, his office,
13 Dr. Schwulst's office.

14 Q. Okay. And it was just the two of you?

15 A. Yes.

16 Q. Okay. And what do you recall about that
17 conversation?

18 A. He went over the performance review that
19 you see in front here, I guess performance marked
20 Exhibit 9. We went over specifics and spoke about
21 the projection of how to -- I'm sorry, we planned,
22 we made subsequent plans as to kind of what our
23 goals for the rest of the year or specific time
24 frame, and then I can't remember what those goals
25 specifically were at this time; and we also touched

1 D. Trahanas

2 on me asking about receiving a pay increase.

3 Q. Okay. And did you ask for a particular
4 increase?

5 A. As a percentage or a specific amount?

6 Q. Either.

7 A. No. We spoke about it being a promotion,
8 so my conclusion would be it would be within this
9 range.

10 Q. Okay. Within what range?

11 A. The Research Tech 3, their pay, their pay
12 raise.

13 Q. Okay. Now, there isn't anything in the
14 comments that mentions promotion specifically,
15 right? You would agree with me on that?

16 A. Yes, not in the Comments section, correct.

17 Q. Okay. And nothing in the document at all
18 that mentions promotion?

19 A. No.

20 Q. Okay. Now, did he compliment you in this
21 meeting on your improvement with the advanced flow
22 cytometry skill set?

23 A. Are you referring to the Comments section?

24 Q. Yes. Did you guys discuss that?

25 A. Yes.

1 D. Trahanas

2 Q. Okay. And he complimented you?

3 A. Yes.

4 Q. Okay. And you said you discussed the
5 prospect of a raise, which you say was also
6 discussed as a promotion; is that right?

7 A. Yes.

8 Q. Okay. And what specifically did you ask
9 for and what did Dr. Schwulst respond with?

10 A. My -- my response was if we could take a
11 look at me receiving a pay raise, and then also if,
12 because I had taken on more responsibility, if I
13 could be moved to Research Tech 3.

14 And so I even wrote an e-mail to him I
15 believe this same day thanking him for being
16 receptive and accepting of our discussion of the
17 promotion and pay raise.

18 Q. Can we mark this, please.

19 (Exhibit 10 was marked for
20 identification.)

21 BY MS. WERMUTH:

22 Q. Okay. You've been handed what's
23 Deposition Exhibit 10.

24 Do you recognize that document?

25 A. Yes.

1 D. Trahanas

2 Q. Is that the e-mail you were just
3 referencing?

4 A. Yes.

5 Q. Okay. Now, this e-mail is dated
6 March 17th, 2014.

7 Do you see that?

8 A. It is, yes.

9 Q. So it was actually about a month before
10 you got your review that you had the conversation
11 with Dr. Schwulst?

12 A. Yes.

13 Q. Okay. And so this was you letting
14 Dr. Schwulst know that you appreciated him taking
15 the time to meet with you, correct?

16 A. Yes.

17 Q. And being receptive to your requests
18 regarding pay and possible promotion; is that right?

19 A. Yes.

20 Q. Okay. Now, and then you say you can't
21 wait until Shock and this paper and the new stuff
22 gets fine-tuned.

23 Do you see that?

24 A. Yes.

25 Q. So Shock was coming up that June?

1 D. Trahanas

2 A. Correct.

3 Q. All right. And that was when you were
4 going to do your first poster presentation?

5 A. Yes.

6 Q. June of 2 --

7 A. In Charlotte, yes.

8 Q. And you write also that you were excited?

9 A. Yes.

10 Q. All right. So you were feeling good about
11 work at that point in time?

12 A. About the papers and work, yes.

13 Q. Okay. And can you tell me, you say that
14 your duties, you took on additional duties.

15 Can you tell me what additional duties you
16 took on?

17 A. Sure, more of ordering supplies.

18 Q. Okay. Anything else?

19 A. I was given access to budgets or funding
20 and so kept track of the funds.

21 Q. Did Dr. Schwulst have NIH funding at that
22 point in time?

23 A. He was granted, NIH-funded, and then they
24 withdrew it because I suppose unfortunately that
25 grant went bankrupt for some reason.

1 D. Trahanas

2 Q. So he didn't -- so during the period of
3 time that you worked in his lab he had not actually
4 received NIH funds?

5 A. They did not give him, yeah, the money.

6 Q. Okay. And he then followed up pretty
7 immediately with the business manager about the
8 discussion that the two of you had.

9 Do you recall that?

10 A. Yes.

11 Q. Okay. May I have that marked, please.

12 (Exhibit 11 was marked for
13 identification.)

14 BY MS. WERMUTH:

15 Q. So I've handed you now what's been marked
16 as Deposition Exhibit 12 [sic]. This is a document
17 that you produced to us, okay.

18 Do you see the Bates on the lower right
19 looks a little different than the documents we've
20 been looking at?

21 A. Yes.

22 Q. Okay. So if you look at the bottom of the
23 first page, which is marked Trahanas 21, you see an
24 e-mail from Steve to someone by the name of Nicole
25 Buikema.

1 D. Trahanas

2 Do you see that?

3 A. Yes.

4 Q. Okay. And he writes to her, and this
5 is -- so this is March 17th, 2014, the same day that
6 you met with him, correct?

7 A. Yes.

8 Q. And it's at 10:23 in the morning,
9 according to this record that you produced to us.

10 A. Yes.

11 Q. So would that have been directly after
12 your meeting with him or shortly after your meeting
13 with him?

14 Is that 11? I called it Exhibit 12.

15 Thank you. I should correct the record.

16 MR. DeROSE: Yes, thank you. I'll change
17 this.

18 MS. WERMUTH: Sorry about that.

19 THE WITNESS: Yes.

20 BY MS. WERMUTH:

21 Q. So he very quickly followed up and said we
22 have started talking about raises and possibly
23 retitling her position to a higher level.

24 Do you see that?

25 A. Yes.

1 D. Trahanas

2 Q. So he's at least inquiring about it,
3 right?

4 A. Yes, here, yes.

5 Q. And he then forwards it to you to show you
6 that he -- well, I don't know. I'm not going to ask
7 you why. But he ends up forwarding his
8 conversation, his e-mail conversation to you,
9 correct?

10 A. Yes.

11 Q. And that's what we see at the top of the
12 page?

13 A. Yes.

14 Q. Okay. Can we mark that, please, as 12.
15 I'll get that one right.

16 (Exhibit 12 was marked for
17 identification.)

18 BY MS. WERMUTH:

19 Q. So, Ms. Trahanas, you're looking now at
20 Deposition Exhibit 12.

21 A. Yes.

22 Q. And this again is a document that you
23 produced to us with Bates label Trahanas 77.

24 Do you see that?

25 A. I see that.

1 D. Trahanas

2 Q. So what is this?

3 A. This is a conversation between me and my
4 friend Dimitra.

5 Q. And where -- how were you communicating
6 with Dimitra?

7 A. This is a text message or Gchat.

8 Q. What's Gchat?

9 A. It's a form of texting through our Gmail.

10 Q. Okay. And when you were doing your
11 searches for documents, did you search through your
12 Gchat as well for relevant documents?

13 A. If I searched through specific words like
14 title, this probably came up, yes.

15 Q. So my question is, did you search Gchat
16 for relevant documents?

17 A. Not specifically.

18 Q. Okay. Now, this looks like it's an
19 excerpt, like it's a part of a conversation.

20 Is that accurate?

21 A. Yeah, it's a screen shot.

22 Q. Okay. And there's then a translation at
23 the bottom of the page -- I don't know, it's not the
24 bottom, the middle of the page I guess.

25 Do you see that?

1 D. Trahanas

2 A. Yeah, yeah.

3 Q. Who added this translation to the
4 document?

5 A. I gave the translation because it was in
6 Greek.

7 Q. So like what I'm trying to understand is,
8 how did this document come to exist? So you took a
9 screen shot of a portion of a conversation, correct?

10 A. Yes.

11 Q. And then you turned that into some sort of
12 document upon which you could add additional text?

13 A. Yes.

14 Q. And you typed the additional text that is
15 the translation?

16 A. Yes.

17 Q. Okay. And when in time did you create
18 this document that looks the way it looks today?

19 A. As soon as -- between the time that the
20 defendants or you sent us the interrogatories and
21 the I guess discovery items that you needed.

22 Q. Okay. So did you take the screen shot on
23 March 17th, 2014, or did you take the screen shot
24 after you got a request for documents?

25 A. No, that is part of -- that was when the

1 D. Trahanas

2 conversation happened. That's like on a text
3 message, right. It will tell you that it's the same
4 thing.

5 Q. Right. So the conversation that is
6 displayed here took place on March 17th, 2014?

7 A. Correct.

8 Q. At 10:33 in the morning?

9 A. Correct.

10 Q. Okay. So at the same time Dr. Schwulst is
11 sending his e-mail to Buikema?

12 A. Yes.

13 Q. Okay. And when did you screen shot it?
14 Was it on March 17th, 2014, or was it in connection
15 with the request for documents?

16 A. No, it was the request for documents.

17 Q. Okay. And that's when you added this
18 additional text?

19 A. Yes.

20 Q. Okay. So according to your translation,
21 it says, "I spoke with my boss. He's going to give
22 me a job title change, which means I can make more
23 money."

24 A. Yes.

25 Q. Okay. Now, his e-mail doesn't say he's

1 D. Trahanas

2 going to give you a job title change, right?

3 A. His e-mail does not.

4 Q. Right. In fact, his e-mail says about

5 possibly retitling her position?

6 A. Yes, his e-mail says that.

7 Q. And when he forwarded this to you,

8 Exhibit 11 to you, the Gmail conversation, you did

9 not correct him and say anything about what are you

10 talking about possibly retitling my position?

11 A. No. I mean, we spoke that I do more

12 duties, so I would be -- it would be retitled.

13 Q. Right. But I guess in Exhibit 11 you see

14 that he's referring to a possible retitling.

15 Do you see that?

16 A. Yes.

17 Q. Okay. And you didn't go to him and say

18 what do you mean by that?

19 A. No.

20 Q. Okay. Did you formally apply for the

21 Tech 3 position?

22 A. No.

23 Q. Now, at some point -- well, strike that.

24 Was there any portion of the conversation

25 between you and Dr. Schwulst about a potential pay

1 D. Trahanas

2 raise and a potential retitling of your position
3 about when that might go into effect?

4 A. He didn't give me a specific date, but he
5 did say very soon, I mean as soon as he could get
6 the paperwork done.

7 Q. He told you that as soon as he got the
8 paperwork done this would all be in place?

9 A. Yeah, he would have to talk to his
10 department.

11 Q. Okay. And did you know what paperwork
12 needed to get submitted?

13 A. No.

14 Q. Did you ask him if there was any paperwork
15 that you needed to prepare?

16 A. I didn't specifically say paperwork, but
17 if there was anything he needed me to do to let me
18 know.

19 Q. Okay. Can we mark this, please.

20 (Group Exhibit 13 was marked for
21 identification.)

22 BY MS. WERMUTH:

23 Q. Okay. I'm going to turn your attention.
24 So Exhibit 13, Ms. Trahanas, is a string of e-mails,
25 but it's a single document. As you can see by the

1 D. Trahanas

2 page numbers at the bottom it starts from Page 1
3 through Page 12.

4 MR. DeROSE: Are you going to call it a
5 group or just --

6 BY MS. WERMUTH:

7 Q. We can call it a group, that's fine.

8 I bring this to your attention only
9 because you would not have received all of these
10 e-mails, okay, but some of these I don't -- you
11 know, they exist in this form.

12 So if I could turn your attention to
13 Page 10, which is also Bates labeled 1895.

14 MR. DeROSE: And it's Group 13?

15 MS. WERMUTH: That's fine. We can call it
16 Group 13 if that's your preference.

17 BY MS. WERMUTH:

18 Q. Are you with me on Page 10?

19 A. Yes.

20 Q. So I see an e-mail in the middle of the
21 page; it looks to be from you at your Northwestern
22 account to Rachel Rufer.

23 Do you see that?

24 A. Yes.

25 Q. And do you recall sending this e-mail to

1 D. Trahanas

2 Ms. Rufer?

3 A. I do.

4 Q. And who is Ms. Rufer or who was she?

5 A. Rachel at the time worked for the
6 department, and she was the one I would contact in
7 terms of anything I would be purchasing, anything
8 really financially oriented with the lab.

9 Q. Okay. And the first part of your e-mail
10 is referencing precisely that sort of information,
11 right?

12 A. Yes.

13 Q. Okay. So when you talk about a Chart
14 string, this has to do with availability of funds to
15 make purchases; is that right?

16 A. Yes.

17 Q. Okay. All right. And then in the last
18 paragraph you write in addition -- and by the way,
19 this e-mail is dated June 27th, 2014, right?

20 A. Yes, I see that.

21 Q. And is that consistent with your memory as
22 to when you had this e-mail communication with
23 Ms. Rufer?

24 A. It is.

25 Q. Okay. And you in the last paragraph of

1 D. Trahanas

2 your e-mail, you say, "I know Dr. Schwulst submitted
3 the paperwork for my promotion, but I have not seen
4 the change since the submission."

5 Do you see that?

6 A. Yes.

7 Q. "Is there someone I or Dr. Schwulst need
8 to contact?"

9 Do you see that?

10 A. Yes.

11 Q. Okay. And then you go on to say, "It's
12 been months that my pay increase has not been in
13 effect. Do we need to backdate this?"

14 A. Yes.

15 Q. Now, before you sent this e-mail, it
16 sounds like you talked to Dr. Schwulst; is that
17 right?

18 A. About the promotion, yes.

19 Q. Okay. And did you talk to Dr. Schwulst
20 about the paperwork, because it says "I know
21 Dr. Schwulst submitted the paperwork for my
22 promotion."

23 What's the basis for that statement?

24 A. I must have spoken to him.

25 Q. You don't recall?

1 D. Trahanas

2 A. I don't recall.

3 Q. Okay. And Ms. Rufer responded to you
4 later that day, right?

5 MR. DeROSE: What page, Counsel?

6 BY MS. WERMUTH:

7 Q. Same page. It's starts on the preceding
8 page. So it says -- on Page 9 it says from Rufer,
9 Rachel, Friday, June 27, 2014, at 2:50 p.m.

10 Do you see that?

11 A. Yes.

12 Q. And then on the next page, Page 10, it
13 says to Diane M. Trahanas with a carbon copy to
14 Krissy Dulek?

15 A. Yes.

16 Q. Okay. And she says, "This is something
17 that is in the works for the new fiscal year, which
18 starts September 1," right?

19 A. Yes.

20 Q. Okay. And that satisfied you at the time;
21 is that right?

22 A. At the time, yes.

23 Q. Okay. And then in September of that year
24 you got your new salary letter?

25 A. I received a merit increase. I'm not

1 D. Trahanas

2 sure. I don't want to -- that's what it was called
3 or that's how I know it as.

4 Q. Okay. Can we have that marked, please.

5 (Exhibit 14 was marked for
6 identification.)

7 BY MS. WERMUTH:

8 Q. All right. Do you see what's now been
9 marked as Deposition Exhibit 14?

10 A. Yes.

11 Q. And is that an e-mail that you received on
12 or about August 19th of 2014?

13 A. Yes.

14 Q. Okay. And according to this e-mail you
15 were being notified that your employment was being
16 extended for an additional year in the position of
17 Research Technologist 2.

18 Do you see that?

19 A. Yes.

20 Q. With the begin date being September 1,
21 2014, and end date being August 31, 2015 --

22 A. Yes.

23 Q. -- do you see that? Okay.

24 So you knew as of August that you were
25 going to remain in the research technologist

1 D. Trahanas

2 position 2 for the following year?

3 A. Yes.

4 Q. Okay. Can we mark that, please.

5 (Exhibit 15 was marked for
6 identification.)

7 THE WITNESS: Can I add to that?

8 BY MS. WERMUTH:

9 Q. Sure.

10 A. When I knew -- I knew with this letter I
11 was being told that, but I'm pretty sure I responded
12 to this e-mail.

13 Q. When you say "this e-mail," what are you
14 referring to?

15 A. I'm responding to --

16 Q. Just tell me the exhibit number. I just
17 want to make sure I'm looking at the same document
18 that you're looking at.

19 A. So we were just talking about Exhibit 14.

20 Q. Okay.

21 A. And so you had asked me if I knew that I
22 would be in the Research Tech 2 position in
23 October 19, 2014, starting from September 1st to
24 August 31st. I had seen this, but the -- from what
25 I knew it would not be -- it had to be changed,

1 D. Trahanas

2 which would be effective September 1st because of
3 what Ms. Rufer wrote me in Group Number 13's e-mail,
4 that she was essentially saying my promotion would
5 be effective September 1st for the new fiscal year.

6 Q. And so this Exhibit 13 has -- I'm sorry,
7 Exhibit 14 has a sentence at the very end that says,
8 "Please reply confirming you have received this
9 e-mail."

10 Do you see that?

11 A. Yes.

12 Q. And did you reply to confirm that you had
13 received it?

14 A. I did not.

15 Q. So you did not reply to Exhibit 14?

16 A. No.

17 Q. All right. Now you've been handed what's
18 been marked as Exhibit 15.

19 Do you recognize that letter?

20 A. I recognize it from the Bates or discovery
21 that you had sent us.

22 Q. Okay.

23 A. But I noticed that it's not my name at the
24 top that it's addressed to.

25 Q. So you do see in the upper left there's a

1 D. Trahanas

2 date August 19, 2014, right?

3 A. Correct.

4 Q. And it has your name and your residential
5 address correct there?

6 A. It does.

7 Q. And then it says "Dear Kendra" instead of
8 "Dear Diane"?

9 A. Yes.

10 Q. And did you receive this at your home
11 address in August of 2014?

12 A. I don't recall.

13 Q. Okay. Do you ever remember asking
14 somebody why you might have gotten a letter that was
15 addressed to Kendra as opposed to yourself?

16 A. I never asked. I'm sure I would have if I
17 did receive the letter.

18 Q. Do you have any reason to believe this was
19 not sent to your home?

20 A. I would most definitely just inquire about
21 there possibly being a mistake because they maybe
22 had confused me with this person that it is
23 addressed to as Kendra.

24 Q. So let me ask you this though: You were
25 working in the department of trauma and --

1 D. Trahanas

2 A. Critical care.

3 Q. -- critical care, although "care" is
4 missing as well, right?

5 And the department -- here it's listed the
6 Feinberg School of Medicine, Department of Trauma
7 and Critical.

8 Do you see that?

9 A. Yes.

10 Q. So that's at least your right department,
11 correct?

12 A. Yes.

13 Q. And the research technologist position 2
14 is the same position that was in the e-mail that was
15 in the exhibit marked 14, correct?

16 A. Yes.

17 Q. Okay.

18 A. Those two agree.

19 Q. Okay. And in the second-to-last paragraph
20 it says Diane, we are looking forward to working
21 with you.

22 Do you see that?

23 A. Yes, I do.

24 Q. Okay. But you just can't recall if you
25 actually received this at your home address?

1 D. Trahanas

2 A. No. The only letter I recall receiving
3 about any sort of merit or title position letter is
4 from Mr. Chris Scarpelli.

5 Q. And who is Mr. Chris Scarpelli?

6 A. Definitively I can't tell you what
7 department he works for, but I know that he was the
8 one that sent us -- he would send us our annual
9 merit increase.

10 Q. Can we mark this, please, then as 16.

11 (Exhibit 16 was marked for
12 identification.)

13 BY MS. WERMUTH:

14 Q. Okay. You've now been handed what's been
15 marked as Deposition Exhibit 16.

16 Do you recognize that document?

17 A. Yes.

18 Q. Okay. And this is a letter to you from
19 Chris Scarpelli dated September 2014; is that right?

20 A. Yes.

21 Q. Okay. And according to this letter, under
22 your name in the upper left it says Research
23 Technologist 2.

24 Do you see that?

25 A. Yes.

1 D. Trahanas

2 Q. And it says "MED dash Trauma & Critical"?

3 A. Yes.

4 Q. So that information is accurate or was
5 accurate at the time?

6 A. It was not. I responded to this, to this
7 letter.

8 Q. Okay. And you say it was not accurate
9 because you believed that you were entitled to a
10 promotion to Research Technologist 3?

11 A. Yes, I believed that I was supposed to be
12 retitled to Research Tech 3.

13 Q. Okay. And so when you got this letter you
14 were unhappy?

15 A. I just thought that there was a mistake.

16 Q. Oh, okay. Now, let me ask you this:
17 According to this letter, your new hourly rate was
18 \$20.06 according to this letter, right?

19 A. As the letter states, yes, \$20.06.

20 Q. And that was an increase over 19.48 the
21 prior year, \$19.48?

22 A. Yes.

23 Q. So that was about a 3 percent increase?

24 A. Yes.

25 Q. So when you got this letter, what did you

1 D. Trahanas

2 do?

3 A. I e-mailed -- I believe I e-mailed Rachel,
4 Ms. Rufer, Rachel Rufer, and then she directed me to
5 Krissy Dulek because Rachel was no longer within the
6 department, or I'm not sure, maybe her position
7 changed; and I notified them that there was
8 something inconsistent with this letter.

9 Q. Okay. Can you mark that, please.

10 (Group Exhibit 17 was marked for
11 identification.)

12 BY MS. WERMUTH:

13 Q. Okay. So you're looking now at I guess
14 what we can call Group Exhibit 17. This is a series
15 of e-mails that you produced to us in this
16 litigation, okay?

17 A. Okay.

18 Q. And you can see the Bates labeling at the
19 bottom is Trahanas 261 through Trahanas 270.

20 Do you see that?

21 A. Yes.

22 Q. Okay. So let's go to Page 268, which
23 is -- it's Trahanas 268.

24 A. Okay.

25 Q. And that's the e-mail that you sent to

1 D. Trahanas

2 Krissy Dulek; is that right?

3 A. Yes.

4 Q. At the bottom there?

5 A. Yes. On September 24th of 2014?

6 Q. Yes. At 2:34 p.m.?

7 A. Yes.

8 Q. Okay. And you copied Rachel Rufer?

9 A. Yes.

10 Q. Okay. And so is this the date upon which
11 you received the letter from Mr. Scarpelli?

12 MR. DeROSE: That was Exhibit 16.

13 THE WITNESS: I believe it was
14 September 24th, yes.

15 BY MS. WERMUTH:

16 Q. Okay. And you say, "I wanted to inform
17 you that this is not reflective of the promotion
18 Dr. Schwulst issued me back in March."

19 A. Yes.

20 Q. Okay. Now, we haven't seen any
21 documentation that shows that you were issued a
22 promotion, have we?

23 A. Thus far, no.

24 Q. Do you have any documentation that
25 supports your assertion that Dr. Schwulst issued you

1 D. Trahanas

2 a promotion in March of 2014?

3 A. I don't have any documentation that he
4 issued it to me. However, within the evidence that
5 Northwestern provided us there is an e-mail chain in
6 which he is discussing with somebody about my
7 promotion.

8 Q. Right. Well, we did see already today
9 that on March 17th he mentioned to the department
10 administrator the possibility of retitling your
11 position, right?

12 A. In March, correct.

13 Q. Okay. And you're saying there's a
14 subsequent conversation where he is actually trying
15 to or where it's documented that he has issued you
16 the promotion?

17 A. He is having a discussion with I believe
18 Ms. Burke in an e-mail about finishing the paperwork
19 for the promotion and discussing the duties and the
20 pay so that it could be implemented September 1st.
21 However, I mean, at this time in September 24th of
22 2014 I did not have that documentation.

23 Q. Right, okay. And you say, "I have been
24 fulfilling my Research Tech 3 responsibilities since
25 March."

1 D. Trahanas

2 Do you see that?

3 A. Yes.

4 Q. Okay. And that was the purchasing

5 responsibilities that you talked about?

6 A. Amongst others.

7 Q. What are the others?

8 A. I mean, I was the only person that -- I
9 was the only person in the lab, so I did -- I was
10 essentially a lab manager and not just a Research
11 Tech 3.

12 Q. And what duties are associated with being
13 a lab manager?

14 A. Managing the lab in terms of knowing
15 goals; knowing projects; attending meetings;
16 making -- schedule meetings; ordering, as we
17 discussed earlier, supplies.

18 Q. The duties that you've just described, are
19 those duties that you just started assuming in March
20 of 2017?

21 A. I list it as March of 2017, but I believe
22 I was probably -- not probably. I believe I was
23 fulfilling them a little bit earlier than that.

24 Q. Okay. And Krissy referred you back to
25 Dr. Schwulst, correct?

1 D. Trahanas

2 A. Yes.

3 Q. On Page 268 she referred you back to
4 Dr. Schwulst, right?

5 A. Yes.

6 Q. And this trail is confusing. I don't know
7 if it's a Gmail situation, but if look at
8 Page Trahanas 267.

9 A. Uh-huh.

10 Q. It looks like -- so I'm looking at the
11 bottom third of the page where it says On Wednesday,
12 September 24th, 2014, at 4:27 p.m.

13 Do you see that?

14 A. Yes.

15 Q. And it looks like an e-mail from
16 Dr. Schwulst?

17 A. Yes.

18 Q. To you?

19 A. Correct.

20 Q. Okay. It says, "Diane, can we talk about
21 this when I am off service?"

22 So he was in his surgery service or
23 clinical work at that time?

24 A. Yes, at that time.

25 Q. Okay. And then he goes on to say, "My

1 D. Trahanas

2 impression was that this was a substantial
3 percentage raise, 4.5 percent I think, and in line
4 with what we discussed at your review. Please
5 refresh my memory if this is correct."

6 MR. DeROSE: Incorrect.

7 BY MS. WERMUTH:

8 Q. Incorrect, I'm sorry. Do you see that?

9 A. Yes, I do see that.

10 Q. And your review happened in as we've seen
11 in April of 2017, correct?

12 A. Yes.

13 Q. Okay. So that was a month after the March
14 conversation about the promotion?

15 A. Yes.

16 Q. Okay. And if you look at Exhibit 9.

17 A. Okay.

18 Q. And if you could go to the last page with
19 Dr. Schwulst's comments.

20 A. Okay.

21 Q. At the time of your review he does say
22 that you should be considered for a
23 performance-based raise, right?

24 A. Yes.

25 Q. Okay. But at the time of your review he's

1 D. Trahanas

2 not saying anything in his comments about a
3 promotion, correct?

4 A. In the Comments section, no.

5 Q. Okay. So then later that day, going back
6 to the current exhibit, which is Group Exhibit 17,
7 Page Trahanas 267, you write back at 5:58, you say,
8 "Hello, everyone," but I can't tell who's on your
9 e-mail.

10 Do you see that, the upper third on
11 September 24, 2014, at 5:58 p.m.? Do you see that?

12 A. Oh, yes.

13 Q. Okay. It's an e-mail from you, and it
14 says, "Hello, everyone."

15 Who are you sending this to? I can't
16 tell.

17 A. It would have to be Krissy and Heather.

18 Q. It was not Dr. Schwulst?

19 A. And Dr. Schwulst, yes.

20 Q. Okay. So you say that you'd like to talk
21 to Dr. Schwulst before you get back to them and get
22 things straightened out, right?

23 A. Yes.

24 Q. But you did ask about when the
25 clarification when he returns would take effect,

1 D. Trahanas

2 right? So in the last paragraph you say, "My
3 concern: Will the clarification/agreement we make
4 when he returns in October take effect for this
5 September 2014?"

6 Do you see that?

7 A. Yes.

8 Q. Okay. Okay. And then two days later it
9 looks like you e-mailed them again, and it looks
10 like -- I'm looking at the top of 267, Trahanas 267.
11 You say -- and this looks like it's just to Krissy
12 and Heather.

13 A. Yes.

14 Q. Not to Dr. Schwulst.

15 A. No.

16 Q. So are you certain that the other one also
17 copied Dr. Schwulst, the one just below?

18 A. Yes, because he would be the one that
19 directed me, so I would want to keep him in the
20 loop.

21 Q. Okay. But you didn't keep him in the loop
22 on this other e-mail, right?

23 A. If he's on service he's probably not going
24 to see it anyways was probably my thinking so why
25 spam him. But realistically he wouldn't be able to

1 D. Trahanas

2 answer any questions I asked anyways.

3 Q. So you repeated your question about when
4 any potential agreement might take effect, right?

5 A. Correct.

6 Q. And Krissy did say that on the preceding
7 page, Trahanas 266, that if changes were approved by
8 the dean's office they can be retroactive, right?

9 A. Are you --

10 Q. Do you see the bottom of Trahanas 266?

11 A. Yes.

12 Yes, I see that Ms. Burke wrote any
13 changes would need to be approved by the dean's
14 office, FSM dean's office.

15 Q. By the way, up above that e-mail it says
16 "Quoted text hidden," and I see that like four times
17 on this page.

18 A. Uh-huh.

19 Q. What is that?

20 A. So it's basically when you have a
21 signature on Gmail -- can I ask, do you have a Gmail
22 account, or am I not allowed to ask? It doesn't
23 matter.

24 MR. DeROSE: She asks questions. Just
25 answer.

1 D. Trahanas

2 THE WITNESS: So on a Gmail account what
3 happens is when you have like a signature, like your
4 name, maybe like a department you work for and your
5 degrees, it will -- when you're looking at things,
6 so it doesn't span I guess the entire page when
7 you're viewing something, it will compact that so
8 you're not seeing everyone's ending or their,
9 quote-unquote, signature as Gmail calls it.

10 BY MS. WERMUTH:

11 Q. So everywhere I see that "Quoted text
12 hidden" that's the only thing that's hidden?

13 A. Yes.

14 Q. There isn't like substantive conversation
15 that you've hidden?

16 A. No, not that I have hidden, no. That's
17 how it prints out.

18 So I can go back and triple check, but as
19 far as everything I've already looked over I did
20 look that over because my attorney asked me the same
21 thing, and that's what I found. It's just the
22 signature or it's showing you what you're responding
23 to.

24 Q. Okay. Did you have a conversation with
25 Dr. Schwulst when he returned from service? I think

1 D. Trahanas

2 that's what you call it, service.

3 A. About the promotion, yes.

4 Q. And what do you recall about that
5 conversation?

6 Strike that.

7 So let me ask you this: When did
8 Dr. Schwulst return from service after these
9 particular e-mails that we looked at in Group 17?

10 A. Probably after the first week of October.

11 Q. Okay. And where do you recall having the
12 conversation with Dr. Schwulst on this topic?

13 A. In the lab.

14 Q. Okay. And tell me what you recall about
15 that conversation, what he said to you and what you
16 said to him.

17 A. He told me that he would talk to the
18 department and I guess reach out to the department
19 and see what needed to be done.

20 Q. To do what? What needed to be done for
21 what purpose?

22 A. For the promotion, the retitle.

23 Q. So is it a promotion or is it a retitling?

24 A. I mean, the retitling would be to a higher
25 job, so it would be equal to a promotion.

1 D. Trahanas

2 Q. Okay. So it's your testimony that in
3 October of 2014 Dr. Schwulst was still telling you
4 that he was seeking to get you promoted?

5 A. Yes.

6 Q. Okay. And do you know if he, in fact,
7 took efforts to get you a promotion with the
8 department administration?

9 A. Yes.

10 Q. Okay. And you know that because he told
11 you that?

12 A. Well, he told me, and I believe there's a
13 few e-mails that I read from Northwestern that show
14 that as well.

15 Q. Right. And it shows that he was, in fact,
16 trying to get you higher pay, correct?

17 A. Yes.

18 Q. And he was also at least inquiring as to
19 whether or not you could still be graded as a
20 Tech 3, correct?

21 A. I'm sorry, still graded as a Tech 3, or do
22 you mean --

23 Q. He was still inquiring about whether or
24 not you could be graded as a Tech 3?

25 A. Yes.

1 D. Trahanas

2 MR. DeROSE: Counsel, we haven't had a
3 break, but I don't want to wear out the reporter.
4 Are we close to lunchtime, or should we take a break
5 at some point?

6 MS. WERMUTH: Sure. So let's go off the
7 record for a quick second here.

8 (Whereupon, an off-the-record
9 discussion was held.)

10 BY MS. WERMUTH:

11 Q. So we can go back on the record.

12 There is an exhibit that we have marked
13 already, Group Exhibit 13. If you could go back to
14 that for a moment.

15 Do you have it?

16 A. Oh, yes. I'm sorry.

17 Q. No worries. So Page 8 of this exhibit,
18 which is also Bates marked Trahanas-NU1893.

19 A. Yes, I'm there.

20 Q. Okay. So are these the e-mails that you
21 said that you read that showed that Dr. Schwulst was
22 endeavoring to get you a higher rate of pay and a
23 retitling of your position?

24 A. This is part of them, yes.

25 Q. Okay. So after you reached out to

1 D. Trahanas

2 Rachel Rufer on September 24th, 2014, ultimately
3 Heather Burke got involved and she reached out to
4 Dr. Schwulst, right, according to these e-mails?

5 A. According to these e-mails, yes.

6 Q. And if you look at Page 8, you can see
7 that Dr. Schwulst says to Heather I can't afford to
8 lose Diane right now.

9 Do you see that?

10 A. Yes.

11 Q. "Can we make her an RT3 at \$21 per hour?"

12 A. Yes.

13 Q. Okay. And RT3, do you know what that
14 refers to?

15 A. Research Tech 3.

16 Q. Okay. So in September of 2014 he was
17 asking if he could change your pay and change your
18 title?

19 A. Correct.

20 Q. Okay. And there's some back and forth
21 which you were not copied on at the time that tells
22 him that -- where he learns according to these
23 e-mails that this would require an off-cycle budget
24 request, right?

25 So look at Page 7, for example --

1 D. Trahanas

2 A. Okay.

3 Q. -- which is Trahanas-NU1892.

4 Do you see at the bottom the e-mail from
5 Heather to Dr. Schwulst?

6 A. Yes.

7 Q. It says, "Unfortunately, since this
8 request is not considered off-cycle and Diane's
9 salary isn't funded, it won't be approved by the
10 dean's office."

11 Do you see that?

12 A. I do see that.

13 Q. And do you know what that means, that your
14 salary is not funded?

15 A. No. I would assume --

16 MR. DeROSE: Well, objection to assuming
17 anything.

18 THE WITNESS: No, I don't know.

19 BY MS. WERMUTH:

20 Q. Okay. Did Dr. Schwulst have -- he didn't
21 have NIH funding at that point in time, correct?

22 A. He did not.

23 Q. Okay. And then on Page 6, the preceding
24 page at Trahanas-NU1891, do you see that?

25 A. Yes.

1 D. Trahanas

2 Q. Okay. He writes to Heather. Now we're in
3 December of 2014.

4 Do you see that?

5 A. Yes, I see that.

6 Q. December 11, 2014. He writes to Heather
7 saying, "Diane, my research technician, is really
8 unhappy with her compensation."

9 Do you see that?

10 A. I do see that.

11 Q. And that's what you told Dr. Schwulst,
12 right, you were not happy with your compensation?

13 A. Amongst other things, yes.

14 Q. Okay. Well, so when you say "amongst
15 other things," what are you referring to?

16 A. That was -- that wasn't the only topic of
17 our conversation.

18 Q. What conversation?

19 A. About the compensation, the conversation
20 including the compensation.

21 Q. What was the other part of that
22 conversation?

23 A. How tired I was, just how I felt, yeah.

24 Q. So you told him you were working a lot,
25 and the compensation was not sufficient for the

1 D. Trahanas

2 hours you were putting in?

3 A. Not just for the hours I was putting in
4 but for the work I was doing.

5 Q. Okay. So you told him you were not happy;
6 is that right?

7 A. Unhappy or disappointed.

8 Q. Were you frustrated?

9 A. No.

10 Q. You weren't frustrated?

11 A. I think I was just -- not I think. I was
12 really just disappointed.

13 Q. Okay. And he writes that you were
14 actively looking for and had received an offer of
15 alternate employment.

16 Do you see that?

17 A. I do see that.

18 Q. And did you tell him that, that you had
19 gotten another offer somewhere else?

20 A. I told him that if I were going somewhere
21 else they would pay me more.

22 Q. So here's my question: Did you actually
23 tell him you had another job offer?

24 A. No.

25 Q. So he just made that up?

1 D. Trahanas

2 A. Maybe he misunderstood. I'm not sure.

3 Q. So you never told him that you had another
4 job offer?

5 A. No.

6 Q. Okay. All right. Can you turn to Page 4,
7 which is also marked Trahanas-NU1889.

8 By the way, you didn't have another job
9 offer in December of 2014, did you?

10 A. No.

11 Q. Were you actively looking for work outside
12 the university at that time?

13 A. That is correct.

14 Q. Okay. And when did you start actively
15 looking for alternate work?

16 A. It was starting back in 2013.

17 Q. And where? Were you looking inside the
18 university or outside the university?

19 A. Mostly inside the university.

20 Q. Okay. Were you also looking outside the
21 university?

22 A. Yes.

23 Q. And did you -- between 2013 and December
24 of 2014, did you have any interviews with anybody,
25 any other employers, whether within the university

1 D. Trahanas

2 or outside the university?

3 A. I believe in 2014.

4 Q. And did you receive any offers?

5 A. They gave me a recommendation to apply for
6 another -- they gave me a recommendation that based
7 on my background that I would be better for a
8 different position than the one that I had
9 interviewed for, but I did not receive an offer for
10 that specific position that I had interviewed for at
11 the time.

12 Q. And was that inside the university or
13 outside the university?

14 A. It was outside.

15 Q. Okay. Where was it?

16 A. It was for a medical sales group. They
17 sold anything from cardiology equipment to plastics
18 equipment, plastic surgery equipment. And so I had
19 interviewed for a plastics device sales position,
20 and they recommended me for a neuro sales position.

21 Q. And did you -- when you say they
22 recommended you, did they refer you over to that
23 unit?

24 A. They did, but I did not follow up with
25 them.

1 D. Trahanas

2 Q. Okay. So you chose to take yourself out
3 of the running for that job?

4 A. I didn't -- based on the interview that I
5 did with the woman, I didn't think that that company
6 or position was exactly what I needed, what I was
7 looking for.

8 Q. Okay. So you took yourself out of the
9 running for any potential employment with that
10 employer?

11 A. Yes.

12 Q. And what was the name of the company?

13 A. I would -- I would have to go back and
14 look for it. I don't recall.

15 Q. Okay. Can you stay in that same group
16 exhibit and turn to Page 4.

17 A. Sure.

18 Q. And when you say you have to go back and
19 look for it, would you have records of your
20 application with that employer?

21 A. I have records of jobs that I was applying
22 to on my notebook.

23 Q. What notebook?

24 A. My -- the list of jobs that you guys had
25 sent us, the Research Tech 3 jobs or Research Tech 4

1 D. Trahanas

2 jobs, like back in 2000 [sic], so that would be
3 that --

4 MR. DeROSE: We produced that?

5 THE WITNESS: Yeah.

6 BY MS. WERMUTH:

7 Q. Back in 2000?

8 A. Not in 2000, after 2010, like all those
9 jobs that you were mentioning about applying to
10 Northwestern between 2010 and 2012.

11 Q. Okay.

12 A. I probably noted somewhere the job or
13 maybe the company somehow or maybe a suggestion that
14 somebody told me to apply to that position.

15 Q. What we produced to you is only records
16 that Northwestern would have about applications you
17 made to Northwestern.

18 A. Sure.

19 Q. So when you say that you applied to some
20 company outside of Northwestern and you kept a
21 notebook, I'd like to know what you're referring to.
22 Those are not records that we produced.

23 A. Like a --

24 MR. DeROSE: We produced to you, Counsel,
25 her job searches; you know that.

1 D. Trahanas

2 THE WITNESS: Yeah.

3 BY MS. WERMUTH:

4 Q. Dating back to 2014?

5 A. Yeah. It was between -- I believe you
6 asked from 2012 to 2015.

7 Q. And you produced all of that?

8 A. Yes, so it should be within that list.

9 Q. Okay. All right. Looking at Group
10 Exhibit 13, Page 4, which is Trahanas 1889,
11 Trahanas-NU1889. I should be clear.

12 A. Okay, yes.

13 Q. And in the middle of the page it says
14 forwarded message, Steven Schwulst to Diane
15 Trahanas, December 16, 2014, at 1:15 p.m.

16 Do you see that?

17 A. Yes.

18 Q. Okay. So according to this Steven
19 Schwulst forwarded to you the following e-mails with
20 a note that says, "See below. Can you start this
21 while I am on service?"

22 Do you see that?

23 A. I do see that.

24 Q. Okay. So at this point in time
25 Dr. Schwulst was back on service again; is that

1 D. Trahanas

2 right?

3 A. Correct.

4 Q. Okay. And so the e-mails that he forwards
5 are all the e-mails that follow in Pages 5 through
6 12, right?

7 A. Yes.

8 Q. Okay. And so when you look at Page 5,
9 which is Trahanas-NU1890, it says the process --
10 it's an e-mail from Heather Burke to Steven Schwulst
11 saying, "The process for requesting an off-cycle
12 increase is attached. This document details the
13 steps and the process as well as supplementary
14 information you'll need to provide."

15 So Dr. Schwulst in his e-mail to you on
16 December 16th is asking you to start pulling that
17 information together.

18 Is that what you understood his e-mail to
19 be?

20 A. Yes.

21 Q. Okay. And you quickly as of 2:01 p.m.
22 forward his e-mail to Daina Fernandez.

23 Do you see that?

24 A. What page, I'm sorry?

25 Q. Page 3, 1888.

1 D. Trahanas

2 A. Okay. I'm there.

3 Q. So do you see at the very bottom from
4 Diane Trahanas, December 16th, 2014, at 2:01 p.m. to
5 Daina Fernandez, subject, forward promotion.

6 A. Yes.

7 Q. Do you see that?

8 A. I do.

9 Q. Okay. So you say, "Hello, Diane. I think
10 you meant Daina. And I don't know if she pronounces
11 it Daina or --

12 MS. MYRIANTHOPOULOS: Daina.

13 BY MS. WERMUTH:

14 Q. D-a-i-n-a. But you write, "Hello, Diane,"
15 and then you say, "I am a bit confused again."

16 So who is Daina Fernandez?

17 A. She's in HR. She's in the department of
18 HR.

19 Q. And you say, "I am a bit confused again."
20 Was this the first time -- this was not
21 the first time you had reached out to Daina?

22 A. No. I had met with her right before that.

23 Q. I see. To talk about this issue of the
24 promotion?

25 A. Yes.

1 D. Trahanas

2 Q. Okay. And that was the first time you had
3 contacted Daina; is that right?

4 A. Correct.

5 Q. Okay. And you say, "I am not
6 understanding why Dr. Schwulst needs to submit all
7 this unnecessary paperwork."

8 A. Yes, I see that.

9 Q. "For something that was submitted and
10 agreed upon back in March."

11 Do you see that?

12 A. I do see that.

13 Q. And when you say, again, when you say
14 "agreed upon back in March," you're referring to the
15 conversation on March 17th, 2014, that we've already
16 talked about?

17 A. Yes.

18 Q. Okay. And so you had questions about why
19 this was considered off-cycle and why this paperwork
20 needed to be completed?

21 A. Yes.

22 Q. Okay. And so tell me about your meeting
23 with Daina Fernandez. When did that occur?

24 A. It must have been -- I'm sorry, not must
25 have. It was -- it was in December after

1 D. Trahanas

2 Dr. Schwulst and I had met about revisiting this
3 promotion issue, and he was -- he was unhappy with
4 me. And so my co-worker Salina, she saw me upset
5 and insisted that I go and see someone at least and
6 talk to in HR; so I -- so Salina walked me to HR,
7 and I met with Ms. Fernandez, and I gave her a
8 little bit of background of sort of from the
9 beginning of March until kind of what was going on
10 at the moment and what I could do or what my options
11 were in terms of who I could contact and get a
12 better idea of kind of what was going on.

13 Q. Okay. So you met with her in December of
14 2014, is that fair?

15 A. Yes.

16 Q. Okay. And the topic of the meeting was
17 your concerns about your pay and promotion? That's
18 what you discussed with her?

19 A. Yes, and also another one of my concerns
20 was all these e-mails that had been going back and
21 forth, and it just seemed -- I got that e-mail back
22 in June from Rachel saying this will be starting in
23 September, and then September rolls around and next
24 thing you know it's December and we've kind of been
25 playing e-mail tag with everyone.

1 D. Trahanas

2 Q. Okay.

3 A. So --

4 Q. So you wanted to get closure on this topic
5 of the pay and promotion --

6 A. Yes.

7 Q. -- and so sought out HR's assistance --

8 A. Yes.

9 Q. -- to make that happen?

10 And as you pointed out, you were unhappy
11 at this point in time?

12 A. I was sad.

13 Q. Okay. Were you mad?

14 A. No.

15 Q. Were you frustrated?

16 A. I just felt really hurt and just
17 disappointed, and I kind of felt helpless.

18 Q. Okay. Ultimately you did get a pay
19 increase, correct?

20 A. In January of 2015.

21 Q. Okay. And that increase was to \$23 an
22 hour?

23 A. Yes.

24 Q. Okay. So even higher than the 21 that we
25 saw Dr. Schwulst asking for in September, right?

1 D. Trahanas

2 A. Correct.

3 Q. Okay. And it was implemented beginning
4 1/1 of '15; is that right?

5 A. January 1st. I believe there's an e-mail
6 that says the start date of it. I can't recall that
7 it was January 1st, but it was in January that it
8 did begin, the promotion.

9 Q. Okay. Now, one of the pieces of paperwork
10 that needed to get done in order to make --
11 ultimately to make the pay increase happen was
12 midyear review.

13 Do you remember that?

14 A. Yes.

15 Q. Okay. And so Dr. Schwulst prepared a
16 midyear review, correct?

17 A. He did.

18 Q. Okay. And he tried to meet with you to go
19 over that midyear review, right?

20 A. Yes.

21 Q. Okay. And, again, he needed you to sign
22 it so that he could submit it so that he could get
23 you the pay increase, correct?

24 A. Correct.

25 Q. Okay. And at the time that he prepared

1 D. Trahanas

2 it, he was out on FMLA leave, correct?

3 A. I'm -- I can't speak to the FMLA, but I
4 believe he was on paternity leave at the time.

5 Q. Caring for a newborn, right?

6 A. Correct.

7 Q. So he was on a leave of absence to care
8 for a newborn, correct?

9 A. Yes.

10 Q. Okay. But he nevertheless took the time
11 to put together the midyear review, correct?

12 A. When he came back, I believe he came back
13 a day early from the paternity leave to prepare the
14 midyear review, correct.

15 Q. And he tried to meet with you to go over
16 that review, right?

17 A. Correct.

18 Q. But you would not meet with him, correct?

19 A. I did not meet with him. I could not meet
20 with him.

21 Q. And the reason you couldn't meet with him
22 is because your car was in the shop; is that right?

23 A. Yes. My car had broken. I'm not sure
24 what the exact mechanical term is, but it wasn't --
25 the heat wasn't working amongst a couple of other

1 D. Trahanas

2 problems I ended up finding out, but it wasn't
3 drivable.

4 Q. And there was no other way for you to get
5 to the lab to meet with him?

6 A. No, because I would need the car to get to
7 the train station, which would be the other way that
8 I would often commute to work.

9 Q. And there was nobody else who could give
10 you a ride to the train station?

11 A. Not at that time.

12 Q. And you didn't have Uber or Lyft or any
13 other type of app on your phone that would give you
14 a ride to the train station?

15 A. I don't even think I knew about Uber in
16 2015.

17 Q. Really?

18 A. Yeah, really. I'm not sure when the
19 company started. But no, I did not have Uber on my
20 phone at that time, no.

21 Q. You do now?

22 A. I do now, yes.

23 Q. And you couldn't take a cab to get to the
24 train station to go meet with Dr. Schwulst?

25 A. There's not really cabs in the southwest

1 D. Trahanas

2 suburbs. I mean, I'm not sure if they would even
3 come. I know that they cab you from the burbs to an
4 airport, but I wouldn't be able to cab from home to
5 the city because that would be at least \$50 plus
6 another \$50 to go home. And I had to pick up my car
7 that day or the next day; I wasn't sure.

8 Q. So you couldn't take a cab to the train
9 was my question, not downtown but to the train.

10 A. No.

11 Q. Because there's no ability to call a cab
12 service in the southwest suburbs, is that fair?

13 A. There is an ability. I don't believe I
14 said there isn't an ability.

15 Q. But you didn't take advantage of that,
16 correct?

17 A. I believe my car may have also been ready
18 that day, so I needed to be ready to possibly
19 somehow get my car. I wasn't sure if it could be
20 towed to my house or how that would really work.

21 Q. Can we mark that, please.

22 (Exhibit 18 was marked for
23 identification.)

24 BY MS. WERMUTH:

25 Q. You've been handed now what's been marked

1 D. Trahanas

2 as Exhibit 18.

3 Do you recognize those e-mails?

4 A. Yes.

5 Q. Okay. And these are documents that you
6 produced to us in connection with this litigation;
7 is that right?

8 A. Yes.

9 Q. Okay. And the top portion is an e-mail
10 from Dr. Schwulst to you on January 13th of 2015.

11 Do you see that?

12 A. Yes.

13 Q. Okay. And then below that there's a
14 message from Heather Burke to Dr. Schwulst that he
15 forwards to you, correct?

16 A. Yes.

17 Q. Okay. And the e-mail from Heather to
18 Dr. Schwulst is dated January 13th of 2015.

19 Do you see that?

20 A. Yes.

21 Q. Okay. And she writes that HR compensation
22 contacted her on Friday regarding Diane Trahanas'
23 promotion.

24 Do you see that?

25 A. I do.

1 D. Trahanas

2 Q. And she writes Diane has been contacting
3 them directly rather than working with you and the
4 department and that it's appropriate -- that the
5 appropriate course of action is to have the manager
6 submit the request.

7 Do you see that?

8 A. I do.

9 Q. Okay. And, in fact, we saw from the
10 Exhibit 17 -- no, I'm sorry, Exhibit 13 that he sent
11 you back in December the information that he wanted
12 you to get together to submit the request, right?

13 A. I'm sorry, what exhibit was that?

14 Q. So in Group Exhibit 13. We've already
15 looked at this.

16 A. Yes.

17 Q. On Page 4, Page 4 he's asking you to start
18 putting the documentation together.

19 A. Yes.

20 Q. Okay. And so he was trying to get it
21 together to get it approved, correct?

22 A. Yes.

23 Q. Okay. And you understood that
24 Dr. Schwulst had to get approval from the dean to do
25 increases and promotions, right? You had been

1 D. Trahanas

2 advised of that already?

3 A. I knew he needed approval. I suppose
4 maybe in the e-mails, I don't know what they were
5 dated, then it would be the dean's approval,
6 correct.

7 Q. Okay. So he had to put up the case to get
8 the approval, right?

9 A. I'm not --

10 Q. He had to submit the documentation in
11 order to get the approval?

12 A. Yes.

13 Q. Okay. And so when you look now at
14 Exhibit 18, he writes to you there is a specific
15 protocol to get this done.

16 Do you see that?

17 A. Yes.

18 Q. Okay. And he says we will talk on Friday
19 when I'm back from paternity leave.

20 Do you see that?

21 A. Yes.

22 Q. And do you know how long he was on
23 paternity leave?

24 A. I don't recall.

25 Q. Okay. And he forwards you the protocol

1 D. Trahanas

2 again now on January 13, correct?

3 A. Is it on Exhibit 18?

4 Q. Yes. If you look at the e-mail he
5 forwards you, the protocol starts at the bottom of
6 the page and goes on to the following page, right?

7 A. Yes.

8 Q. And this was the second time he sent you
9 the protocol?

10 A. I don't believe I received a protocol with
11 can you start this while I'm on service from
12 Exhibit 13.

13 Q. Well, he forwarded it to you, right, and
14 he forwarded the e-mail to you from Heather on
15 December 13th, 2014?

16 So if you look at Page 5 of Group
17 Exhibit 13.

18 A. Uh-huh, yes.

19 Q. Heather says to Steven the process for
20 requesting an off-cycle increase is attached.

21 Do you see that?

22 A. Yes.

23 Q. Okay. And then he forwards that e-mail to
24 you, if you look at Page 4, right?

25 A. Yes.

1 D. Trahanas

2 Q. And says can you start this while I'm on
3 service, right?

4 A. Yes.

5 Q. So he had sent you the process back in
6 December, correct?

7 A. Yes.

8 Q. And he sends it to you again, now we can
9 see, in Exhibit 18 again in January, right?

10 A. Yes.

11 Q. And then he actually tried to contact you
12 to set up a time to meet to go over your review,
13 right?

14 A. Yes, after January 13th.

15 Q. So he texted you, correct?

16 A. Yes.

17 Q. And he called you, correct?

18 A. I don't recall.

19 Q. Okay. Can I have that marked, please.

20 (Exhibit 19 was marked for
21 identification.)

22 BY MS. WERMUTH:

23 Q. Okay. So you've been handed Exhibit 19.

24 A. Yes.

25 Q. Do you see that? And this isn't Bates

1 D. Trahanas

2 labeled, but I'll represent that we received this
3 from your attorney, and it looks like a
4 transcription in part of a voicemail from it says
5 Steve Schwulst.

6 Was he in your contacts?

7 A. Yes.

8 Q. On January 14th, 2015?

9 A. Correct.

10 Q. Okay. So he did call you, correct?

11 A. Yes.

12 Q. And he left you a message because you
13 didn't pick up, right?

14 A. Yes.

15 Q. And he said he expected you in his office
16 I think that morning, right? He wanted to see you
17 on the 14th, correct?

18 MR. DeROSE: It says tomorrow morning on
19 the second line.

20 MS. WERMUTH: My question is to the
21 witness.

22 THE WITNESS: No, it would have to be
23 January 15th because he called me January 14th.
24 That voicemail was left at 12:11, so it would have
25 to be the next day, 8:15 in the morning.

1 D. Trahanas

2 BY MS. WERMUTH:

3 Q. Okay. So he's telling you he's going to
4 come in the following morning, and he expected you
5 to meet him at 8:15?

6 A. Correct.

7 Q. Okay. Did you respond to this? Did you
8 call him back when you got this voicemail?

9 A. I recall e-mailing him. I do not recall
10 if I called him.

11 Q. Okay. Well, he called you again later
12 that day, right? Do you remember?

13 A. I believe so because there was another
14 voicemail that day.

15 Q. Okay. And by the way, so if he's saying
16 tomorrow is Friday, this is a Thursday, right?
17 January 14th must have been Thursday then; is that
18 right?

19 A. Yes.

20 Q. Okay. So you were not in the lab that
21 day?

22 A. No.

23 Q. Okay.

24 (Exhibit 20 was marked for
25 identification.)

1 D. Trahanas

2 BY MS. WERMUTH:

3 Q. So you've been now handed Exhibit 20.

4 Are you with me?

5 A. Yes.

6 Q. And this is a voicemail from Dr. Schwulst
7 the same day at 1:43.

8 Do you see that?

9 A. Yes.

10 Q. So about an hour and a half later than the
11 other?

12 A. Yes.

13 Q. So in that hour and a half had you called
14 him back?

15 A. I don't recall.

16 Q. Okay. And he again is trying to schedule
17 a meeting with you for the following morning to go
18 over your review, correct?

19 A. Correct.

20 Q. Okay. And so at some point did you
21 respond to his attempts to schedule this meeting
22 with you?

23 A. Yes. As I said before, I believe I
24 e-mailed him.

25 Q. Okay. And when did you e-mail him?

1 D. Trahanas

2 A. Definitely on the 14th. I don't recall
3 what time specifically.

4 Q. Can you mark this as 21, please.

5 (Exhibit 21 was marked for
6 identification.)

7 BY MS. WERMUTH:

8 Q. Do you have Exhibit 21 now?

9 A. Yes.

10 Q. And this again is a series of e-mails, but
11 let's look at the second-to-last page, which is
12 Bates labeled Trahanas-NU10041.

13 Are you with me?

14 A. Yes.

15 Q. Okay. So at 12:32 p.m., so this is after
16 his first phone call to you before his second phone
17 call to you on January 14th, 2015, right?

18 A. Yes.

19 Q. Okay. And he has also texted you, is that
20 right, on this day? Do you recall?

21 A. It's possible.

22 Q. Can you mark this, please.

23 (Exhibit 22 was marked for
24 identification.)

25

1 D. Trahanas

2 BY MS. WERMUTH:

3 Q. I've handed you now what's been marked as
4 Deposition Exhibit 22. I see these copies are kind
5 of poor, so we may have to get a better set.

6 Can you read your copy okay?

7 A. I think so.

8 Q. Okay. Can you look at Page 2240, the
9 Bates page 2240, so it's near the end. This copy is
10 terrible.

11 Can you read the date and the time on that
12 page?

13 MR. DeROSE: I've got twin copies of 2229.
14 I don't know if I go to 2220.

15 MS. WERMUTH: Yours is cut off?

16 MR. DeROSE: No, no, I've got many, many
17 copies of 2229.

18 Would you see if you could turn this for
19 me to 2240?

20 Okay. Go ahead, Counsel.

21 BY MS. WERMUTH:

22 Q. Okay. So when we break I can get a better
23 copy, but if you look at the bottom third of the
24 page, it looks like -- well, what I can see is on
25 January 14th, 2015, at 1:06 p.m. there's a text from

1 D. Trahanas

2 Dr. Schwulst to you saying, "Please confirm meeting
3 in my office at 8:15 tomorrow."

4 Do you see that?

5 A. Yes. I can't see the time, but yes.

6 Q. Okay. And you don't respond to that text,
7 correct, at least not on January 14th?

8 A. No, not -- no.

9 Q. Okay. All right. Now, go back, please,
10 to Exhibit 21.

11 A. Okay.

12 Q. So he e-mails you that day also and asks
13 for you to meet with him at 8:15.

14 So now what we can see is he e-mailed you,
15 texted you and called you twice, correct?

16 A. Yes.

17 Q. Okay. And on the -- at 1:49 p.m. you
18 responded to his e-mail that same day, correct?

19 A. Oh, yes.

20 Q. Okay. And where were you?

21 A. I was at the mechanics.

22 Q. So how did you respond?

23 A. I had their wifi and had my laptop on me,
24 so I checked my e-mail.

25 Q. Do you have your Gmail on your phone?

1 D. Trahanas

2 A. I do.

3 Q. But you specifically recall that you
4 responded through your computer and not through your
5 phone?

6 A. Yes.

7 Q. Okay. And so you tell him that your car
8 is in the shop and that your reception and service
9 is horrible.

10 Why are you telling him that? You're
11 referring to your phone reception; is that right?

12 A. Yes.

13 Q. Why are you telling him that?

14 A. Just so he would know if he was trying to
15 contact me because I can't remember if he was in the
16 lab or not. I don't quite know at that time if I
17 knew he was returning from paternity leave or not,
18 what day he would be back.

19 Q. You were giving him an excuse as to why
20 you weren't calling him back or responding to his
21 texts, right?

22 A. No.

23 Q. And you say that at that point in time you
24 were unsure if you were going to have a ride to work
25 or to the train tomorrow, the following day?

1 D. Trahanas

2 A. Correct.

3 Q. And you say you'll follow up with him
4 tomorrow about meeting on Friday. Oh, so the
5 14th was a Wednesday?

6 A. Yes, because underneath it says Wednesday,
7 January 14th.

8 Q. Okay. And then if you turn to Page -- the
9 first page of this exhibit, you respond to him at
10 11:44 p.m. telling him that you're not going to make
11 it into the office the following day?

12 A. Yes.

13 Q. Because your car is in the shop?

14 A. Yes. I had to leave it overnight.

15 Q. Okay. But he did then ultimately send you
16 your midyear review, correct?

17 A. He e-mailed it to me, yes.

18 Q. And you signed it?

19 A. Correct.

20 Q. Okay. And you agreed with it, correct?

21 A. I signed it. I did not agree with it.

22 Q. You didn't send any additional
23 information, attach any commentary to it when you
24 signed it, correct?

25 A. I did not.

1 D. Trahanas

2 Q. Okay. Can you mark that, please.

3 (Exhibit 23 was marked for
4 identification.)

5 BY MS. WERMUTH:

6 Q. I'm handing you Exhibit 23. That's an
7 e-mail from you to Dr. Schwulst, correct?

8 MR. DeROSE: Did we have a 22? That was
9 the big one.

10 MS. WERMUTH: The big one, yes.

11 BY MS. WERMUTH:

12 Q. Exhibit 23, that's an e-mail from you to
13 Dr. Schwulst dated January 15, 2015 at 9:30 in the
14 morning, correct?

15 A. Yes.

16 Q. Okay. And that's you enclosing your
17 signature for the performance review, the midyear?

18 A. Correct.

19 Q. Okay. And do you know if Dr. Schwulst
20 then also prepared a letter to support the request
21 for the increase? Did he share with you a letter?

22 A. I don't recall a letter.

23 Q. Okay. And ultimately you were notified
24 that you did get the increase?

25 A. Yes.

1 D. Trahanas

2 Q. Okay.

3 (Exhibit 24 was marked for
4 identification.)

5 BY MS. WERMUTH:

6 Q. Okay. So giving you Exhibit 24 now, do
7 you recognize those series of e-mails?

8 A. Yes.

9 Q. Okay. And Dr. Schwulst e-mailed you on
10 February 4th, 2015, informing you that your raise
11 had been approved.

12 Do you see that?

13 A. Yes.

14 Q. And it was retroactive to January 19th,
15 2015?

16 A. Yes.

17 Q. And your pay, do you know -- it went up to
18 \$23; is that right?

19 A. Yes.

20 Q. Okay. So from \$20.06 to \$23; is that
21 right?

22 A. Correct.

23 MS. WERMUTH: Okay. Let's go off the
24 record.

25

1 D. Trahanas

2 (Whereupon, a lunch recess was
3 taken from 1:19 p.m. to
4 1:56 p.m.)

5 MS. WERMUTH: Can we get this marked.

6 (Exhibit 25 was marked for
7 identification.)

8 BY MS. WERMUTH:

9 Q. Okay. Ms. Trahanas, do you recognize
10 Exhibit 25?

11 A. I do.

12 Q. Okay. Did I just say it wrong? No, I
13 said it right.

14 And what do you recognize that document to
15 be?

16 A. The Second Amended Complaint of Diane
17 Trahanas, plaintiff, versus Northwestern University
18 and Steven Schwulst as defendants.

19 Q. Okay. So it's the operative Complaint in
20 your lawsuit?

21 A. Yes.

22 Q. Okay. And did you review this before it
23 was filed?

24 A. I did.

25 Q. Okay. All right. Can you -- so strike

1 D. Trahanas

2 that.

3 Let me ask you this: Do you know what
4 Title VII of the Civil Rights Act is?

5 A. Yes.

6 Q. Okay. And you're bringing a claim under
7 Title VII of the Civil Rights Act contending that
8 you were subjected to harassment based on sexual
9 orientation.

10 Do I understand that correctly?

11 A. Yes.

12 Q. And you say that this harassment took the
13 form of certain name calling; is that right?

14 A. Correct.

15 Q. Okay. And you contend that it was
16 Dr. Schwulst who participated in this name calling;
17 is that correct?

18 A. Yes.

19 Q. Okay. So can you look with me at Page 9
20 of your Complaint, the Second Amended Complaint,
21 Paragraph 31.

22 A. Yes.

23 Q. Okay. So that paragraph reads, "In front
24 of her co-workers, Dr. Schwulst would regularly
25 refer to plaintiff as, quote, a typical millennial,

1 D. Trahanas

2 end quote, or Princess Diana, stating that she was
3 spoiled compared to him."

4 Do you see that?

5 A. I do see that.

6 Q. Okay. Now, it's not your contention that
7 the phrase "a typical millennial" is derogatory
8 based on sexual orientation, correct?

9 A. That phrase, no.

10 Q. Okay. And Princess Diana, again you would
11 not say that that's a phrase that is derogatory
12 based on sexual orientation, correct?

13 A. Correct.

14 Q. Okay. And there are other people in your
15 life that call you Princess Diana; is that right?

16 A. No.

17 Q. There's nobody? Nobody has ever called
18 you Princess Diana except for Dr. Schwulst?

19 A. No.

20 Q. No family members?

21 A. No.

22 Q. Okay. And then in Paragraph 32 you write,
23 "Because plaintiff would not share information about
24 her personal life with Dr. Schwulst, he presumed and
25 referred to her as a lesbian in front of

1 D. Trahanas

2 co-workers."

3 Do you see that?

4 A. What number, I'm sorry?

5 Q. 32.

6 A. Yes, okay.

7 Q. Okay. So it's your contention that you
8 did not share personal information with
9 Dr. Schwulst; is that right?

10 A. With that aspect, yes.

11 Q. What aspect? What do you mean by "that
12 aspect"?

13 A. My relationship.

14 Q. Okay. So you did tell Dr. Schwulst you
15 had a boyfriend who was in professional school, one
16 of the professional schools, right?

17 A. In 2014.

18 Q. Uh-huh, okay. And that boyfriend lived
19 out of state, correct?

20 A. Correct.

21 Q. Okay. And he was in school?

22 A. Yes.

23 Q. And you did share that with Dr. Schwulst?

24 A. Yes.

25 Q. Okay. So you say that he referred to you

1 D. Trahanas

2 as, quote, a lesbian, end quote.

3 Do you see that?

4 A. Yes.

5 Q. So he actually called you a lesbian.

6 Is that your allegation?

7 A. Yes.

8 Q. Used that word?

9 A. Yes.

10 Q. When was the first time Dr. Schwulst
11 called you a lesbian?

12 A. 2012.

13 Q. And where did that take place?

14 A. In the lab.

15 Q. And who was present?

16 A. For each time or for --

17 Q. When was the first time? You said it was
18 2012.

19 A. The first time it was him and I.

20 Q. Okay. And when in 2012?

21 A. October.

22 Q. Okay. And he specifically -- tell me how
23 it was he came to refer to you as a lesbian at that
24 point in time.

25 A. We would speak about working out, and he

1 D. Trahanas

2 was interested in finding a new workout technique,
3 and so I had informed him of the workouts that I was
4 doing, like I specifically told him I was doing P90,
5 and there was also by the same company a workout
6 program called Insanity. So he was interested in
7 that, and he would talk about how if you work out
8 too much you start to look manly, and then, you
9 know, all lesbians are manly looking, and then he
10 asked me are you a lesbian. And then I swallowed
11 it. I didn't -- I didn't -- I didn't want to
12 respond to that at the time. I was kind of taken
13 aback, and I think that after -- after he made
14 the -- after he made the statement that people who
15 work out start to look -- specifically women who
16 work out too much start to look manly, then he
17 inferred that they are lesbians; and he asked me how
18 often I worked out, and then asked me if I was a
19 lesbian, and then basically he stated so you're a
20 lesbian.

21 Q. Okay. So this was October of 2012,
22 everything that you've just described right now, is
23 my understanding --

24 A. The first time, correct.

25 Q. -- is October of 2012.

1 D. Trahanas

2 And it was in the lab?

3 A. Correct.

4 Q. And who else was present?

5 A. The first conversation was just him and I.

6 Q. Nobody else was present?

7 A. No.

8 Q. Okay. And you're saying that during this
9 conversation you guys were talking the context of
10 the conversation was working out, working out
11 routines?

12 A. Yes.

13 Q. Okay. And he made a statement to you,
14 according to you, that women who work out too much
15 start to look too manly?

16 A. Yes.

17 Q. Okay. Did he tell you he thought you
18 looked too manly?

19 A. Not too manly but he said manly.

20 Q. You're telling me that Dr. Schwulst told
21 you that you looked manly?

22 A. Yes.

23 Q. Okay. By the way, when you were in the --
24 strike that.

25 And how did you respond to that comment?

1 D. Trahanas

2 A. I was kind of just shocked at the whole
3 conversation because I thought I was just kind of
4 giving workout advice, and then it kind of got
5 turned very quickly into a very personal topic. So
6 I didn't say anything. I just kind of sat there
7 with a shocked face and pretty much thinking what I
8 could say but didn't say anything.

9 Q. Okay. And when he asked you if you were a
10 lesbian, what did you say?

11 A. No.

12 Q. Okay. And was that the end of the
13 conversation then?

14 A. At that time I believe so, yes.

15 Q. Okay. And you did not report that
16 conversation to HR, correct?

17 A. No.

18 Q. Okay. And you did not report that
19 conversation to Dr. Perlman, his mentor?

20 A. No.

21 Q. Okay. Or anyone else in the
22 administration at the medical school?

23 A. No.

24 Q. Okay. All right. So how many times --
25 just so I'm clear, because at one point you said he

1 D. Trahanas

2 inferred that manly women are lesbians. I don't
3 know what you mean by he inferred that.

4 Do you mean he implied that?

5 A. No. He basically said they are -- women
6 who work out too much and start to look manly, then
7 they look butch, and, of course, they're lesbians;
8 so I wouldn't say inferred or implied, concluded.

9 Q. Okay. You used the word "inferred."
10 That's what I was trying to clarify.

11 A. Okay, yeah, sorry.

12 Q. Okay. So you're saying he actually said
13 women who work out too much look manly, they look
14 butch? Now you're saying that he used the word
15 "butch"?

16 A. He included that in there, yes.

17 Q. Okay. And therefore they are lesbians?

18 A. He didn't say therefore. He just said
19 those women are lesbians.

20 Q. And he didn't call you a lesbian? He
21 asked if you were a lesbian, correct?

22 A. He said, "You're a lesbian, Diane, aren't
23 you, right? You're a lesbian?" And that was it.
24 And I said no.

25 And then we were at our desks, so I think

1 D. Trahanas

2 I just turned around and did something else.

3 Q. Okay. So you didn't object to him
4 directly?

5 A. I said no.

6 Q. I understand that you answered his
7 question no, but you didn't say to him I don't like
8 what you're saying, I think it's inappropriate, I
9 want you to stop? You didn't say anything like
10 that?

11 A. Not the first time, no.

12 Q. Okay. All right. How many times did
13 Dr. Schwulst call you a lesbian?

14 A. Well, after that initial conversation with
15 my coworker Salina, who was present at the time, he
16 changed -- instead of saying the word "lesbian," he
17 basically said lesbians are softball players. So he
18 wouldn't as frequently say lesbian, but when he
19 would say softball player he was saying lesbian.

20 Q. Okay. So let me go back to my question.
21 How many times did Dr. Schwulst call you a
22 lesbian? Not softball player, I'm asking about
23 lesbian.

24 A. I don't recall a specific number.

25 Q. Was it -- is it your testimony that he

1 D. Trahanas

2 stopped using the word "lesbian" at some point in
3 time and started using the phrase "softball player"?

4 A. Lesbian still came up.

5 Q. But you can't tell me how frequently?

6 A. For the word "lesbian" --

7 Q. Yes.

8 A. -- specifically?

9 Q. Yes.

10 A. No, I don't recall.

11 Q. Okay. And are you telling me that every
12 time it did come up he was directing it at you? He
13 was calling you a lesbian?

14 A. Yes.

15 Q. Okay. And then you said at some point in
16 time with Salina he changed the reference to lesbian
17 to being a reference to softball player?

18 A. Yes.

19 Q. Okay. And when did that happen?

20 A. It was in 2012, so towards the end of
21 2012.

22 Q. Okay. And tell me about that
23 conversation. It took place in the lab?

24 A. Yes.

25 Q. And you were present, Salina Dominguez was

1 D. Trahanas

2 present --

3 A. Yes.

4 Q. -- and Dr. Schwulst was present?

5 A. Correct, yes.

6 Q. Tell me how that conversation went.

7 A. It started out with Salina was playing
8 like a fantasy football league or she was in a
9 fantasy football league, and so we started talking
10 about sports. I can't recall if Dr. Schwulst also
11 had a fantasy football league group, or I'm not sure
12 what they call it but competition.

13 And so Salina would do one every year, but
14 she was talking to me about it. And I didn't know
15 anything about really the whole football, the
16 fantasy football world I guess, and so we started
17 speaking about sports. And Dr. Schwulst at one
18 point chimed in and told her her picks -- she
19 shouldn't have picked this person, or he made some
20 sort of comment towards one of the players.

21 And so we just got on the topic of sports,
22 and subsequently he made a comment that softball
23 players are lesbians.

24 Q. And I'm sorry, when did this take place?

25 A. Towards the end of 2012, so probably

1 D. Trahanas

2 November-ish.

3 Q. Okay. And during the course of this
4 conversation did you say you were a softball player,
5 that you played softball?

6 A. No.

7 Q. Okay. So at some point you guys are
8 talking about sports, and at some point during that
9 conversation he says, well, softball players are
10 lesbians?

11 A. Yes.

12 Q. Okay. And did he call you a lesbian in
13 that conversation?

14 A. He said, yes, like Diane.

15 Q. So he said softball players are lesbian
16 like Diane?

17 A. Softball players are lesbian, you know,
18 like Diane.

19 Q. Okay. And what did you say when he said
20 that?

21 A. I think I just turned to Salina and just
22 gave her a straight face and turned around, like, I
23 mean, what am I going to say to that.

24 Q. So you didn't object directly to
25 Dr. Schwulst at that time?

1 D. Trahanas

2 A. I may have muffled something underneath my
3 breath, but I can't say that he heard it for sure,
4 but no, I pretty much just walked away.

5 Q. Okay. And Salina didn't say anything to
6 him --

7 A. No.

8 Q. -- either?

9 And you didn't take that discussion to HR
10 either?

11 A. No.

12 Q. Or to any administrator in the medical
13 school?

14 A. No.

15 Q. Or to Dr. Perlman?

16 A. No.

17 Q. Okay. And is it your testimony that he
18 then referred to you or nicknamed you Softball
19 Player?

20 A. Yes.

21 Q. And so how many times during the course of
22 the time that you worked with him did he call you
23 Softball Player?

24 A. I can't give you a specific number, but it
25 was regular and frequently when he was around.

1 D. Trahanas

2 Q. So he was only around at most two weeks
3 out of every month; is that right?

4 A. About, yeah.

5 Q. Okay. And are you telling me that every
6 single day that you saw him during those two weeks
7 in each month he called you Softball Player, or what
8 are you telling me about the frequency which he
9 purportedly called you Softball Player?

10 A. I mean, if it wasn't one day he said it --
11 maybe he said it twice the next day or he was
12 calling me other things.

13 Q. What are the other things that he called
14 you?

15 A. Millennial, typical millennial, Princess
16 Diana. He would allude to other things, like at 28
17 you lose your sparkle, so, you know, you have to
18 find someone because after you lose your sparkle, it
19 was just things that he would say.

20 Q. Okay. So losing your sparkle is not
21 related to sexual orientation?

22 A. Correct.

23 Q. Okay. And we already talked about
24 millennial and Princess Diana, correct?

25 A. Correct.

1 D. Trahanas

2 Q. So set aside those comments. I understand
3 that, you know, that you contend he made those other
4 comments to you, but set those aside for the moment,
5 and if you can separate out how many times he
6 supposedly called you Softball Player, I'd like to
7 know that information.

8 A. I can't give you an exact number. Like I
9 said, it was just pretty regular and frequently.

10 Q. And you never went to HR to complain about
11 that --

12 A. No.

13 Q. -- conduct, correct?

14 Is that correct or incorrect?

15 A. That's correct.

16 Q. And you never complained to anybody in the
17 administration about any of this commentary,
18 correct?

19 A. Correct.

20 Q. Okay. And who else did Dr. Schwulst
21 purportedly use that nickname for you in front of
22 other than Salina? Who else supposedly was witness
23 to this?

24 A. Pretty much everybody in the lab.

25 Q. Well, tell me who those people are.

1 D. Trahanas

2 A. Carla Cuda.

3 Q. Okay. So you contend that Carla Cuda
4 heard Dr. Schwulst call you Softball Player?

5 A. Yes.

6 Q. Okay. And when Carla Cuda was present,
7 did he also use it in connection with the word
8 "lesbian"?

9 A. At least once, but I can't give you a
10 specific number if it was how many other times after
11 that.

12 Q. So he did not use the word "lesbian" every
13 time he called you Softball Player, correct?

14 A. Not every time, no.

15 Q. So he was using, to your allegation, he
16 was using the word "Softball Player" as a proxy for
17 "lesbian," right?

18 A. Yeah, in substitution of saying the word
19 "lesbian" he would say a softball player.

20 Q. But if he used that phrase "softball
21 player" without using the word "lesbian," you don't
22 know how someone else might interpret that, right?

23 A. Well, everyone in the lab knew.

24 Q. Well, first of all, I don't know who
25 everyone in the lab is yet, and I don't know how you

1 D. Trahanas

2 can testify to what other people know or don't know,
3 so let's break that down.

4 Who in the lab heard Dr. Schwulst call you
5 lesbian?

6 A. Carla Cuda, Alexander Misharin, Rana
7 Saber, Salina Dominguez, Melissa Wallin. There were
8 people in other labs as well. Oh, Angelica Spare
9 who was there for a few years. She wasn't there the
10 entire time I was. Luisa Gonzalez, she was part of
11 a different lab.

12 Q. Anyone else?

13 A. Not that I can recall right now.

14 Q. Who was present when Dr. Schwulst used the
15 phrase "Softball Player" and "lesbian" together?

16 A. Each one of those people at some point,
17 because they probably, as you said, didn't know or
18 wouldn't understand perhaps what he meant. It would
19 be clarified.

20 Q. I don't understand your answer. What do
21 you mean "it would be clarified"?

22 A. So if he said Softball Player and kind of
23 like looked at them or looked at me, they would be
24 like, huh, and so he would say lesbian, you know
25 what I mean, like a lesbian.

1 D. Trahanas

2 Q. Who would say that?

3 A. Dr. Schwulst.

4 Q. Okay. So everyone that -- so all of the
5 people that you just named that you said heard him
6 call you lesbian also heard him call you Softball
7 Player and lesbian together?

8 A. Correct.

9 Q. Okay. Did you sometimes refer to yourself
10 as Softball Player?

11 A. I had told him I don't play softball as a
12 way to basically get him to stop saying that.

13 Q. And what did he say?

14 A. It didn't work.

15 Q. When did that conversation take place?

16 A. Probably a couple times in 2013 and a
17 couple times in 2014.

18 Q. Where you told him you don't play
19 softball?

20 A. Where I told him, yeah, I'm not a softball
21 player, I'm not a lesbian; I don't know why we keep
22 going back to this.

23 Q. You said that, "I don't know why we keep
24 going back to this"?

25 A. Yeah.

1 D. Trahanas

2 Q. When did you say that?

3 A. 2014.

4 Q. And who else was present?

5 A. I believe Salina was there.

6 Q. When in 2014 was that conversation?

7 A. August or September, I want to say around
8 summertime, late summertime.

9 Q. Now, in August of 2014 didn't you take the
10 month off to study for the MCAT?

11 A. I didn't take a month off. Yes, I did
12 take some time off.

13 Q. Okay. But you think that conversation
14 might have happened in the lab in August of 2014?

15 A. Like I said, August or September.

16 Q. And did he ever refer to you as Softball
17 Player or as a lesbian after that conversation?

18 A. Yeah. I was just -- it was something that
19 wasn't going away.

20 Q. So but I need you to answer my question.

21 So you say in August or September of 2014
22 you asked him why do we keep going back to this.

23 After you asked him that question, did you
24 ever call you a softball player or a lesbian again?

25 A. Yes.

1 D. Trahanas

2 Q. Okay. How many times after that
3 conversation?

4 A. I can't give you an exact number.

5 Q. Can you give me any kind of a number?

6 A. I'll say at least ten.

7 Q. So at least ten times between August 2014
8 and early February --

9 A. Yes.

10 Q. -- of '15 --

11 A. Yes.

12 Q. -- when you went out and never returned?

13 A. Yes.

14 Q. And did you ever refer to yourself as a
15 softball player?

16 A. No.

17 Q. Okay. Other than softball player, lesbian
18 and butch, which I think you said he said once, are
19 there any other references to sexual orientation
20 that he made that you haven't told me about?

21 A. It was before his -- it was actually
22 twice. It was once when he found out his second kid
23 was going to be a girl, and the other time was
24 subsequent to that a few months. It was probably
25 closer to the time that I think he -- it was

1 D. Trahanas

2 December-ish of 2014, and it was him worrying that
3 having a girl would mean that basically she would --
4 there's a higher possibility of her getting
5 pregnant, and so that was one of his concerns that
6 he voiced. His response to that was he hoped that,
7 you know, perhaps to make his life easier if his
8 daughter grew up to be a lesbian like me that he
9 wouldn't have that problem.

10 Q. Okay. And when did that conversation take
11 place?

12 A. It was around the time after he found out
13 he was having a girl and then again right before I
14 think he left. It was around the holidays, like
15 December-ish of 2014.

16 Q. Of 2014?

17 A. Correct.

18 Q. Okay. And so these were two separate
19 conversations?

20 A. Yes.

21 Q. And they both happened in late 2014. Do I
22 understand that correctly?

23 A. One happened in late 2014.

24 Q. When did the other one happen?

25 A. When he found out he was having a girl,

1 D. Trahanas

2 around that time.

3 Q. When was that time?

4 A. May or June of 2014.

5 Q. Okay. And so in May or June of 2014 when
6 you had this conversation who else was present?

7 A. May and June it was just him and I. The
8 one in December it was the two of us and Salina and
9 Melissa Whalen.

10 Q. So the one in December of 2014 took place
11 in the lab?

12 A. Correct. Both did.

13 Q. Both did, okay. The springtime one as
14 well?

15 A. Correct.

16 Q. Okay. And did -- and the -- so it was the
17 same conversation about I'm glad I'm having a
18 girl -- or no, if my daughter is a lesbian I don't
19 have to worry about her getting pregnant? Is that
20 the same conversation both in the springtime and in
21 December of 2014?

22 A. In December we were also speaking about
23 gifts that he was thinking about getting his wife.
24 That was part of the conversation, the one that was
25 similar to the May or June one, the earlier on one.

1 D. Trahanas

2 And then also we spoke about gifts that he could get
3 his wife, and that's when the conversation about
4 if -- he was thinking about getting her a charm
5 bracelet, amongst other things. I can't remember
6 what else he was thinking about getting her. But he
7 also said that if I were to get a charm bracelet it
8 would have like a mitt, a ball and a bat on it
9 because that's what softball players would do.

10 Q. And what did you say?

11 A. I think I just responded -- I just
12 responded with no, I wouldn't.

13 Q. Okay. Can you turn to Paragraph 39 in
14 your Complaint on Page 10.

15 A. Okay.

16 Q. So Paragraph 39 says, "In December 2014
17 when his wife was expecting a baby girl,
18 Dr. Schwulst announced in front of plaintiff's
19 co-workers that he hoped his baby girl would be like
20 plaintiff so he would not have to worry about her
21 getting pregnant."

22 A. Yes.

23 Q. So that's the conversation you were just
24 telling me about?

25 A. Yes.

1 D. Trahanas

2 Q. And you said that a similar conversation
3 happened earlier that year?

4 A. Yes.

5 Q. Is there any reason why you didn't include
6 that in your Complaint?

7 A. No.

8 Q. Okay. And have you met Dr. Schwulst's
9 wife?

10 A. I have.

11 Q. Okay. Does she wear a charm bracelet?

12 A. Not that I've seen her.

13 Q. Do you have any -- have you ever talked to
14 her about charm bracelets?

15 A. No.

16 Q. All right. Other than softball player,
17 lesbian, butch, charm bracelet and baby girl, any
18 other conversations or offensive statements that
19 Dr. Schwulst made directed at calling you a lesbian
20 or referring to sexual orientation that you haven't
21 told me about?

22 A. Unless I missed one that's already
23 included in the Complaint, I can't think of any
24 right now.

25 Q. All right. Well, this is the one

1 D. Trahanas

2 opportunity that I get to depose you, so if there
3 are any other words that he used to refer to being a
4 lesbian or sexual orientation that -- any words that
5 he has used that you haven't shared with me, I need
6 to know them now.

7 A. Not that I recall.

8 Q. Now, you -- sometimes you got along very
9 nicely with Dr. Schwulst, right?

10 A. Yes.

11 Q. So sometimes you had fun together?

12 A. I mean, we had a professional
13 relationship. It's hard to have fun with your boss.

14 Q. Okay. Well, you learned from him, right?

15 A. Well, of course.

16 Q. And he gave you opportunities for
17 publication and professional opportunities to go to
18 conferences and the like, right?

19 A. Yes.

20 Q. And when you traveled you'd find fun
21 things to do together, like go kayaking, correct?

22 A. Yes.

23 Q. And so sometimes you did engage in some
24 banter with him, correct?

25 A. Can you define "banter," what you're

1 D. Trahanas

2 specifically referring to?

3 Q. Well, sometimes you would joke with him,
4 right?

5 A. It's possible, yeah.

6 Q. Okay. Can we -- I'm just going to ask the
7 court reporter, can we switch out the set of text
8 messages that we previously marked with this better
9 version? Does it make sense to go off the record
10 and take care of this?

11 (Whereupon, an off-the-record
12 discussion was held.)

13 MS. WERMUTH: So let's go back on the
14 record.

15 BY MS. WERMUTH:

16 Q. So, Ms. Trahanas, the exhibit that was
17 marked as 22, so these are text messages, let me
18 just represent to you these are text messages that
19 we pulled from Dr. Schwulst's phone between you and
20 him, and they date from June 14th, 2012, through
21 February 17th, 2015, okay?

22 A. Okay.

23 Q. All right. So let me turn your
24 attention -- and so it looks like the very first
25 text that you sent him, it looks like maybe you sent

1 D. Trahanas

2 him your contact information -- no, I'm sorry,
3 that's to him -- that's to Diane, that's to you, I'm
4 sorry. Maybe he was sending you his contact
5 information.

6 Do you know?

7 A. Most likely.

8 Q. Okay. So can you turn with me to
9 Page 2204.

10 Let me ask you this: We produced these to
11 your lawyer. Did you review these text messages at
12 some point in time when you got them?

13 A. Some of them, most of -- most of them.

14 Q. Okay. Actually I'm sorry, yeah, 2204.

15 So there's a text message in the dark
16 bubble at the top of the page which is to you.

17 Do you see that?

18 A. Yes.

19 Q. Okay. So he texted you and says he can't
20 find his badge; can you let me know when you get in
21 so someone can let him in.

22 Right?

23 A. Yes.

24 Q. And you respond LOL, yea, NP.

25 So what does that mean?

1 D. Trahanas

2 A. I'm sorry, I might be on the wrong page.

3 Q. Are you on 2204?

4 A. Sorry, I was on 2202. Okay.

5 Q. So at the top of the page he's asking you
6 to let him in?

7 A. Yes.

8 Q. Okay.

9 A. LOL is like laugh out loud; yea; NP stands
10 for no problem.

11 Q. Okay. And then later that day he sends
12 you a text that says Harris sucks and then frowning
13 face, right?

14 A. Yes.

15 Q. And you respond with "I'm not going to say
16 what tho," right?

17 A. Yes.

18 Q. Okay. So you're joking with him about
19 Harris sucking something but something that you're
20 not going to say, right?

21 MR. DeROSE: Wait. That's a half hour
22 later.

23 MS. WERMUTH: That's not my question.

24 BY MS. WERMUTH:

25 Q. He texts you at 1:32 and Harris sucks

1 D. Trahanas

2 smiley face -- or frowning face, right?

3 A. Yes.

4 Q. And at 2:48 you respond "I'm not going to
5 say what tho"?

6 A. I'm not sure what I was referring --

7 Q. So you weren't trying to say there that
8 Harris sucks penis?

9 A. No.

10 Q. What were you saying, I'm not going to say
11 what? Wasn't that a reference to say I'm not going
12 to say what he sucks?

13 MR. DeROSE: Well, objection, Counsel.
14 The man before said he sucks. He doesn't say what
15 he sucks either.

16 MS. WERMUTH: That's not my question.

17 BY MS. WERMUTH:

18 Q. Your question is -- your statement is,
19 "I'm not going to say what tho."

20 Does that mean I'm not going to say what
21 Harris sucks?

22 A. I mean, that was an hour and 15 minutes
23 after that, so I don't even know if we had a
24 conversation in between that.

25 Q. That's not my question. Is that text

1 D. Trahanas

2 message "I'm not going to say what tho" in response
3 to the message "Harris sucks"?

4 A. I can't say yes to that. I don't know.

5 Q. Okay. Fast forward to 2208, please. So
6 there's a series of text messages that start in the
7 middle of the page on April 9th.

8 Do you see that?

9 A. Yes.

10 Q. Okay. And you tell him that you're still
11 at a funeral, that if you get done before
12 2:30 you'll head in, but if not you'll work from
13 home and stay late tomorrow, Tom/Friday.

14 I'm assuming that means tomorrow/Friday?

15 A. Correct.

16 Q. And then you correct a spelling error in
17 the next text, and he responds, "Don't worry about
18 it, just keep working on your paper"?

19 A. Yes.

20 Q. Okay. And you say, "Thank you, Boss,"
21 right?

22 A. Yes.

23 Q. Okay. And then two days later he sends
24 you a text message that says, "Millennials
25 dot-dot-dot," right?

1 D. Trahanas

2 A. Yes.

3 Q. And what was that? Do you remember what
4 that was in reference to?

5 A. No.

6 Q. Okay. And then he -- then you respond
7 with the word "softball" and a picture of a baseball
8 or a softball, right?

9 A. Right.

10 Q. Okay. And he doesn't respond to your text
11 at all that day, right?

12 A. No.

13 Q. Am I wrong or am I right?

14 A. That's -- you are right.

15 Q. Okay. Thank you. So you refer -- you're
16 the one using the term "softball" in this text
17 message, correct?

18 A. Responding to his "millennial" text,
19 correct.

20 Q. Okay. And millennial you've already
21 testified isn't a reference to sexual orientation,
22 right?

23 A. Not sexual orientation.

24 Q. Okay. All right. Then if you could turn
25 to 2212. Let's start with the May 15th, 2014 text

1 D. Trahanas

2 to you from Dr. Schwulst where he says, "We are
3 getting an undergraduate for the summer."

4 Do you see that?

5 A. Yes.

6 Q. Okay. And then he goes on to say, "You
7 can make her your biotch."

8 Do you see that?

9 A. Yes.

10 Q. And did you find that offensive?

11 A. I did.

12 Q. You did?

13 A. Yes.

14 Q. Okay. But you go with it, and you say,
15 "Just ours or Perlman's?"

16 Do you see that?

17 A. Yes.

18 Q. Okay. And by the way, did you ever use
19 the word "bitch" or "biotch" in the lab?

20 A. To refer to somebody else, no.

21 Q. Never?

22 MR. DeROSE: Can you pick that up?

23 THE WITNESS: It's possible, but I don't
24 recall a time that I have.

25

1 D. Trahanas

2 BY MS. WERMUTH:

3 Q. Okay. And this was not a reference to
4 sexual orientation here, correct?

5 MR. DeROSE: Which one, the one she's
6 making?

7 BY MS. WERMUTH:

8 Q. No, the "You can make her your biotch."
9 You did not understand that to mean a reference to
10 sexual orientation?

11 MR. DeROSE: Objection to the way the
12 question is asked. She doesn't know what he means.
13 That's not her prerogative. Objection to the form
14 of the question.

15 You may answer though.

16 THE WITNESS: Yeah, I'm not sure what
17 exactly he was -- you know, how many things he was
18 meaning by that, but I take it offensively just
19 because that refers to a female dog.

20 BY MS. WERMUTH:

21 Q. Okay. Okay. So you think it's a
22 derogatory --

23 A. Correct.

24 Q. -- term?

25 A. Correct.

1 D. Trahanas

2 Q. Okay. But did you interpret it as a term
3 that referred to anyone's sexual orientation or just
4 a derogatory term meaning female dog?

5 A. At face value, a derogatory term, a
6 disrespectful term.

7 Q. Okay. But you didn't protest at the time
8 in writing at least, right?

9 A. I did not, but you can't really protest
10 with your boss.

11 Q. Well, you didn't take that text message to
12 HR?

13 A. No.

14 Q. Okay. So then he responds, "Technically
15 Harris' but he is assigning her to our projects,"
16 right?

17 A. Yes.

18 Q. And you say, "That's good. It's
19 officially for is then," and then you correct and
20 say "us."

21 And then he responds, "Apparently she's
22 some sort of prodigy," probably smarter than us; and
23 you respond, "Thankfully cuz I won't trust some rich
24 lazy kid, hahahaha, highly doubt it," right?

25 A. Yes.

1 D. Trahanas

2 Q. And that's all from you?

3 A. Yes.

4 Q. And then you also -- and this is all
5 within the same minute, "Softball players can be
6 smart"?

7 A. Yes.

8 Q. Okay. So again that's a text from you
9 using the phrase "softball player," correct?

10 A. That's correct.

11 Q. And he responds, "I think she plays
12 violin, not softball"?

13 A. Yes.

14 Q. And then you say, "I was referring to
15 myself, LOL."

16 A. Yes.

17 Q. Okay. So you were correcting his thinking
18 there or at least explaining what you meant, right?

19 A. I was sticking up for myself.

20 Q. By calling yourself a softball player?

21 A. Well, that's what he would call me, so
22 that's basically me saying we can be smart too since
23 you think I'm that.

24 Q. Okay. But he then responds, "I think she
25 plays violin, not softball," so he seems to not know

1 D. Trahanas

2 what you're talking about, and then you --

3 MR. DeROSE: Objection, Counsel, to your
4 testifying.

5 BY MS. WERMUTH:

6 Q. Let me ask you this: He texts you "I
7 think she plays violin, not softball," right?

8 A. That's in the text, correct.

9 Q. Right. And so then you clarify what you
10 meant by your text, right, by saying "I was
11 referring to myself, LOL"?

12 A. Yes.

13 Q. Okay. And then later down at the end of
14 that page you say, "Never mind about the violin."

15 Do you see that?

16 A. Yes.

17 Q. And that's because up above he says,
18 "Huh," right?

19 A. I'm not sure why he said "huh."

20 Q. But he says "huh," right?

21 MR. DeROSE: Counsel, objection, out of
22 context, the sentence above it also.

23 MS. WERMUTH: I can ask the questions,
24 okay.

25 MR. DeROSE: You can, but you can't take

1 D. Trahanas

2 them out of context.

3 MS. WERMUTH: Certainly I can ask if he
4 texted "huh," okay. Now if she wants to -- look,
5 what you're doing is you're telling your witness how
6 to answer the question.

7 MR. DeROSE: No, Counsel. For the federal
8 rules of completeness, if you're going to talk about
9 one little sentence and there's a whole sentence
10 above, I ask that you complete it.

11 MS. WERMUTH: We need to stop with the
12 speaking objections because your speaking objections
13 are counseling your witness on how to answer the
14 question. She has the document in front of her.

15 BY MS. WERMUTH:

16 Q. There's no mistake about what the document
17 says, and one of the things that he says to her is
18 "huh."

19 Is that correct?

20 A. There is a text here that says "huh."

21 Q. All right. And up above that, to be
22 complete if I may, he tells you he's on service for
23 a week and he anticipates being busy, and he wants
24 you to perfect our new equipment and become the
25 Midwest regional expert when he gets back, right?

1 D. Trahanas

2 A. Correct.

3 Q. Okay. But he also says "huh"?

4 A. Yes, he says that.

5 Q. Okay. And you respond to the "huh" with,
6 "Never mind about the violin. I will be the Midwest
7 expert when you get back."

8 Right?

9 A. Yes.

10 Q. Okay. Can we mark that, please.

11 (Exhibit 26 was marked for
12 identification.)

13 BY MS. WERMUTH:

14 Q. Ms. Trahanas, you've been handed what's
15 been marked Deposition Exhibit 26.

16 Can you help me understand what these
17 e-mails are? So it looks like Rana on March 1st,
18 2013, sends an e-mail that you respond to; is that
19 right?

20 A. Yes.

21 Q. Okay. And you say, "I'm offended because
22 in no way do I want to be associated with LeBron"?

23 A. Correct.

24 Q. "But I could see the basketball
25 connection, LOL"?

1 D. Trahanas

2 A. Yes.

3 Q. So are you joking here? What is this
4 YouTube video?

5 A. I believe it's something with the
6 Cleveland Cavaliers. LeBron is LeBron James, who
7 plays basketball for the Cleveland Cavaliers. I
8 mean, I play basketball, so, I mean, I'm not joking
9 about that. I guess I'm just trying to be friendly
10 with Rana.

11 Q. Okay. So this e-mail exchange has nothing
12 to do with sexual orientation; is that right?

13 A. Right.

14 Q. Okay. So just because it's a
15 sports-related topic doesn't mean it's related to
16 sexual orientation, correct?

17 MR. DeROSE: Counsel, this part of the
18 chain, was this part of an e-mail chain, do we know?

19 MS. WERMUTH: Yeah, I mean, it has the
20 underlying e-mail from Rana in there.

21 BY MS. WERMUTH:

22 Q. Here's my question: Is there -- just
23 because a conversation in the lab revolves around
24 the topic of sports doesn't mean it also includes
25 sexual orientation, correct?

1 D. Trahanas

2 A. Not unless it's been previously
3 established that something means something else, no.

4 Q. Okay. But there's nothing in this e-mail
5 chain in Exhibit 28 -- 26, I'm sorry, that
6 specifically you can recall referencing sexual
7 orientation in any way?

8 A. No.

9 MR. DeROSE: Objection. Wait, objection.
10 Exhibit 26 is a one -- two-line e-mail. It is not
11 the whole e-mail chain. She's obviously responding
12 to something. I object to giving me one e-mail out
13 of a whole e-mail chain.

14 MS. WERMUTH: I don't -- I object with
15 your characterization of the document, but I'm not
16 going to argue with you.

17 MR. DeROSE: But I do know that there are
18 more e-mails to this, Counsel. I object to you --
19 so the record reflects, you can ask your questions.
20 I object to Exhibit 26 being one part of a several
21 e-mail conversation.

22 MS. WERMUTH: Well, if you have those
23 other e-mails, I'd like to see them.

24 MR. DeROSE: You will.

25 MS. WERMUTH: You've produced them to me?

1 D. Trahanas

2 MR. DeROSE: Yes, I have.

3 MS. WERMUTH: Can we mark this, please.

4 (Exhibit 27 was marked for

5 identification.)

6 BY MS. WERMUTH:

7 Q. So, Ms. Trahanas, I've handed you now

8 Exhibit 27 or you've been handed Exhibit 27.

9 That's an e-mail that you sent to

10 Dr. Schwulst, right?

11 A. Yes.

12 Q. And you sent him a video from YouTube,

13 right?

14 A. Yes.

15 Q. And the re line subject line says

16 "football in basketball"?

17 A. Yes.

18 Q. Okay. What is that referring to? What is

19 this video that you sent Dr. Schwulst?

20 A. I don't recall what the video is, but I'm

21 assuming two people probably hit their heads during

22 basketball.

23 Q. Okay. So this has to do with trauma and

24 injury, right?

25 A. I would think so, yes.

1 D. Trahanas

2 Q. Okay. So this has nothing to do with
3 sexual orientation?

4 A. No.

5 Q. Even though it has to do with sports?

6 A. Correct.

7 Q. Okay. So some of your work, because it
8 involved traumatic injuries, you were interested in
9 it in connection with sports injuries, is that
10 right, Ms. Trahanas?

11 A. I mean, there -- concussions and TBI, I
12 mean, that whole area is kind of under a big
13 umbrella. But, I mean, I was interested in sports
14 prior to, but there's no suggestion that -- I mean,
15 mostly if anything we would speak about football in
16 terms of brain injuries just because they're so
17 frequent.

18 Q. Okay. So just because you sent him a
19 video about sports doesn't mean that you were
20 raising the topic of sexual orientation, correct?

21 A. Correct.

22 Q. And you also asked Dr. Schwulst to help
23 you raise money in connection with a basketball
24 tournament.

25 Do you remember that?

1 D. Trahanas

2 A. I believe I sent an e-mail to everyone in
3 the lab about --

4 Q. Including Dr. Schwulst?

5 A. Yes, about a basketball tournament I was
6 involved in.

7 Q. Asking to raise money, right?

8 A. It's possible. I don't recall the exact
9 contents of that e-mail.

10 Q. And did he, did Dr. Schwulst give you any
11 money for the basketball tournament?

12 A. No. No one from the lab did.

13 Q. Can you mark this, please.

14 (Exhibit 28 was marked for
15 identification.)

16 BY MS. WERMUTH:

17 Q. Okay. You've been handed Deposition
18 Exhibit 28.

19 Do you see that e-mail?

20 A. Yes.

21 Q. And that's an e-mail that you sent to
22 Dr. Schwulst with a YouTube video, right?

23 A. Yes.

24 Q. Do you recall what that YouTube video
25 showed?

1 D. Trahanas

2 A. I don't recall this video either.

3 Q. And you wrote "Millennial written all over
4 this"; is that right?

5 A. It does say that, yes.

6 Q. So you were teasing back?

7 A. Teasing?

8 Q. Well, what was your intent in sending this
9 to him?

10 MR. DeROSE: Counsel, was this part of
11 another e-mail chain, do you know?

12 THE WITNESS: I think it's just a single
13 e-mail.

14 MS. WERMUTH: I mean, at least this
15 exhibit is a single e-mail, and I'm asking her about
16 her e-mail to the doctor.

17 MR. DeROSE: I know you are. I'm just
18 trying to see if I can figure out what's going on
19 here either.

20 BY MS. WERMUTH:

21 Q. You were joking with him when you sent
22 that to Dr. Schwulst, right?

23 A. I don't want to say I was joking. If I
24 could make a synonymous situation, it's like -- it's
25 like me kind of trying to stay part of -- like part

1 D. Trahanas

2 of the group, somewhat seeking approval or
3 seeming -- I guess that's the best way to say it is
4 just kind of seeking approval and him seeing me not
5 as an outcast, because at the time, I mean, I just
6 felt like -- I felt that him and at least one other
7 lab member had -- they had a lot of inside jokes or
8 ways of offending me, and I think this is me trying
9 to just be friendly with him so maybe he doesn't see
10 me as an outcast amongst him and the other lab
11 member.

12 Q. Who was the other lab member you're
13 talking about?

14 A. Rana.

15 Q. Rana Saber?

16 A. Yes.

17 Q. And you said they had inside jokes and
18 ways to offend you.

19 What does that mean? I don't understand
20 that.

21 A. One thing is that I would just get blamed
22 everything in the lab, for the lab.

23 Q. So if something went wrong in the lab you
24 got blamed for it?

25 A. Yes.

1 D. Trahanas

2 Q. By Rana?

3 A. A lot of the time, yes.

4 Q. Okay. So that's what you were saying,
5 what you referred to by inside jokes and trying to
6 offend you?

7 A. Part of it, yeah.

8 Q. Well, what's the other part?

9 A. I mean, she would join in with the
10 softball playing. She would join in with just
11 saying, you know, the blind leading the blind if I
12 was showing somebody how to do something.

13 Q. Okay. So the blind leading the blind
14 doesn't refer to sexual orientation. You would
15 agree with that?

16 A. That, yes, I would agree.

17 Q. Okay. And you said that she joined in
18 with the softball playing.

19 Does that mean she played softball, or she
20 called you a softball player?

21 A. She called me a softball player.

22 Q. Did she ever call you a lesbian?

23 A. Yes.

24 Q. Okay. When was the first time Rana Saber
25 called you a lesbian?

1 D. Trahanas

2 A. At least by early 2013. I can't say for
3 sure if it was in 2012.

4 Q. And where did she call you a lesbian?

5 A. In the lab.

6 Q. How many times?

7 A. It wasn't -- it wasn't regular and
8 frequent, but it was a few times.

9 Q. Who was present when she called you a
10 lesbian other than yourself?

11 A. Some of my co-workers, so Salina, Melissa,
12 Angelica, Carla, Sasha or Alexander, maybe five
13 times.

14 Q. And were those people that you just named
15 present every single -- all of them present at the
16 same time for every single of the five times that
17 she called you a lesbian?

18 A. One or more of those were present during
19 that time.

20 Q. And did you tell her to knock it off or
21 that you didn't like it or appreciate it?

22 A. Yeah.

23 Q. You did?

24 A. For sure.

25 Q. Okay. And what did she say?

1 D. Trahanas

2 A. Sometimes she would laugh it off.

3 Sometimes she would say, oh, come on, you know it's
4 true, just tell us; you don't have any boyfriends.

5 That's all I can recall for right now.

6 Q. Did you ever report her comments to HR?

7 A. I did not.

8 Q. Did you report them to Dr. Schwulst?

9 A. No.

10 Q. Did you report them to Dr. Perlman?

11 A. No.

12 Q. Did you ever call her anything, any names?

13 A. Directly to her?

14 Q. Yes.

15 A. No.

16 Q. Okay. Did you ever call her names to
17 anybody else?

18 A. When I was upset with her I would be
19 venting to some of my co-workers. I can't say
20 specifically what I called her, but I alluded to her
21 being passive-aggressive. I called her probably an
22 ass, a jerk.

23 That's all I can recall for right now.

24 Q. Did you call her a bitch?

25 A. It's possible, but I don't recall.

1 D. Trahanas

2 Q. So you said that she called you a lesbian
3 five times.

4 How many times did she call you a softball
5 player?

6 A. She wouldn't always necessarily refer to
7 me as softball player. She was talking about
8 softball. She would just say, so are you going to
9 play softball tonight, Diane, something like that.

10 Q. How many times did she do that?

11 A. Ten, maybe fifteen times.

12 Q. Ten or fifteen times?

13 A. Yeah.

14 Q. And who was present when she made those
15 references to softball directed toward you?

16 A. A few of my co-workers, again Angelica,
17 Carla, Salina, Melissa, Sasha, Alexander.

18 Q. Dr. Schwulst?

19 A. A couple of the times.

20 Q. Anybody else call you lesbian or softball
21 player?

22 A. Not directly. Sasha would pretty much
23 kind of chime in with Rana in making fun of me.

24 Q. Okay. So making fun of you?

25 A. With --

1 D. Trahanas

2 Q. How?

3 A. In regards to my orientation, you know,
4 dating, I don't have boyfriends, anything like I
5 said earlier. She would say are you going to go
6 play softball tonight, and Sasha would be like yeah,
7 come on, Diane, tell us, like that.

8 Q. So he never used the phrase himself?

9 A. No.

10 Q. Okay. Or lesbian, right? He never used
11 that phrase?

12 A. Sasha did not, no.

13 Q. Okay. Anyone else?

14 A. No.

15 Q. There were times when Dr. Schwulst praised
16 you, correct?

17 A. Yes.

18 Q. He would tell you you rocked or you did a
19 great job, correct?

20 A. Sure.

21 Q. And there were times when you did joke
22 around with him, correct?

23 A. With certain things.

24 Q. And there were other -- there were times
25 when you joked around with others in the lab as

1 D. Trahanas

2 well; is that right?

3 A. Yes.

4 Q. Now let's talk for a minute about your
5 ADHD diagnosis and your depression and anxiety
6 diagnosis.

7 So let's first establish, you are aware
8 that the court dismissed your disability
9 discrimination claim, right? You understand that?

10 A. Yes.

11 Q. Okay. So you have a retaliation claim but
12 you don't have a disability harassment claim.

13 You understand that, right?

14 A. Yes.

15 Q. Okay. So tell me what you contend your
16 disability is.

17 A. I mean, at the time that I was -- at the
18 time that I was at work at Northwestern, I mean, I
19 basically got to the point where I had -- I was
20 going to have a nervous breakdown. It was just very
21 stressful. I felt like if I did something I'd be in
22 trouble; if I didn't do something it would still
23 fall on my shoulders.

24 And so my disability is just being -- I
25 was extremely sad. I -- work was just very hard for

1 D. Trahanas

2 me. Working in that environment was very hard for
3 me.

4 Q. So just so I'm clear then, you're not
5 claiming that your ADHD diagnosis is a disability
6 for purposes of this litigation, correct?

7 A. I think that's part of it.

8 Q. Oh, okay. So you were first diagnosed
9 with ADHD in 2007; is that right?

10 A. Yes.

11 Q. Okay. And you were actually diagnosed
12 with depression and anxiety around the same time or
13 earlier than that?

14 A. I believe around the same time.

15 Q. Okay. And eating disorders and insomnia;
16 is that right?

17 A. It was -- yes.

18 Q. Okay. And you've been taking a variety of
19 types of medications to treat the ADHD and the
20 depression and anxiety since before you started
21 working at Northwestern; is that right?

22 A. I was -- I was being treated by my primary
23 physician, and then I found a psychiatrist to manage
24 my medication, and she put me on I guess a cocktail
25 of what I needed to be treated with.

1 D. Trahanas

2 My primary care physician, I don't believe
3 she gave me an anti-anxiety medication. I believe I
4 started taking that in 2012, around that time.

5 Q. Okay.

6 A. But she was giving me the antidepressant.
7 She was giving me some form of antidepressants and
8 Adderall.

9 Q. So is Lexapro an antidepressant?

10 A. It is.

11 Q. Okay. And so you were taking Adderall and
12 some sort of antidepressant before you started
13 working at Northwestern, right?

14 A. Yes.

15 Q. Okay. And then subsequent or at some
16 later point in time after you started treating with
17 Dr. Cano -- is it Cano --

18 A. Dr. Cano.

19 Q. -- C-a-n-o, you also started taking an
20 anti-anxiety medication?

21 A. Correct.

22 Q. And you currently still take all three,
23 correct?

24 A. Yes.

25 Q. Okay. And has your anxiety and your

1 D. Trahanas

2 depression interfered with other of your jobs other
3 than your job at Northwestern?

4 A. Prior to Northwestern or --

5 Q. Yes.

6 A. No.

7 Q. Do you remember telling your primary care
8 physician while you worked at University of Chicago
9 that you had difficulty focusing and organizing your
10 thoughts at work?

11 A. Yes.

12 Q. Okay. All right. So did you ever tell
13 Dr. Schwulst that you were being treated for ADHD?

14 A. Yes.

15 Q. When did you tell him that?

16 A. It was around the same time we were having
17 the conversation of working out and how I kind of
18 managed that.

19 Q. How you managed what?

20 A. The anxiety or the depression and the
21 anxiety and the ADHD, working out helped.

22 Q. Okay. So just so I'm clear, so when
23 you -- so my question was did you tell him about the
24 ADHD; you said yes; I said when.

25 So is it your testimony that you told him

1 D. Trahanas

2 about your diagnosis of ADHD, depression and anxiety
3 all at the same time?

4 A. Yes.

5 Q. Okay. And when did you have that
6 conversation with him?

7 A. October of 2012.

8 Q. And where did you have that conversation
9 with him?

10 A. In the lab.

11 Q. And this was where you were explaining to
12 him how you used exercise as way to mitigate the
13 symptoms that you suffered as a result of those
14 three conditions?

15 A. Yeah.

16 Q. Okay. And is this the same conversation
17 in which he said you were manly?

18 A. Not at the same time.

19 Q. Okay. And you did not have any job
20 restrictions that you turned in to him like from
21 your doctor saying -- in October of 2012 saying she
22 can't perform her job functions without this sort of
23 accommodation, right?

24 A. No.

25 Q. All right. And what major life activities

1 D. Trahanas

2 do you contend were impacted in 2012 through 2015 as
3 a result of your ADHD?

4 MR. DeROSE: I need a minute.

5 MS. WERMUTH: Let her answer the question,
6 and then we can take break.

7 MR. DeROSE: All right. Go ahead and
8 answer.

9 THE WITNESS: Can you repeat the question?

10 BY MS. WERMUTH:

11 Q. Yes. So what major life activities do you
12 contend were impacted by your diagnosis of ADHD
13 during the 2012 to 2015 time frame?

14 A. I can say typical symptoms of ADHD, just
15 lack of organization, life activities. I can't
16 definitively say it was only ADHD. I'm not sure how
17 much of the depression in conjunction with the ADHD
18 and anxiety contributed.

19 Q. Okay. So what were the symptoms?

20 MR. DeROSE: Whoa, whoa, whoa.

21 MS. WERMUTH: So you want to take a break?

22 MR. DeROSE: Yes, right now.

23 (Whereupon, a recess was taken
24 from 3:24 p.m. to 3:30 p.m.)

25

1 D. Trahanas

2 BY MS. WERMUTH:

3 Q. Okay. So, Ms. Trahanas, you took a
4 medical leave of absence from Northwestern starting
5 in February of 2015; is that right?

6 A. Yes.

7 Q. Okay. And let me ask you this: So
8 Dr. Cano -- I'm sorry, Cano?

9 A. Cano.

10 Q. Okay. So you've been treating with her
11 for several years; is that right?

12 A. Yes.

13 Q. And she's a psychiatrist?

14 A. Correct.

15 Q. And you trust her; is that right?

16 A. Yes.

17 Q. She has been helpful to you?

18 A. Yes.

19 Q. And you know her to be honest in her
20 dealings with you, right?

21 A. Yes.

22 Q. And you meet with her on, what, about a
23 monthly basis?

24 A. Once a month.

25 Q. Okay. And you've been meeting with her

1 D. Trahanas

2 once a month for several years now --

3 A. Yes.

4 Q. -- is that right?

5 Okay. The sessions are relatively short
6 typically, is that right, 20 minutes or so?

7 A. Up to a half hour.

8 Q. Okay. And does she take notes when you
9 meet with her?

10 A. She puts things in the computer. I'm not
11 sure if she's -- I know doctors, there's different
12 programs, and so I'm not sure if she's checking
13 boxes or writing notes.

14 Q. But you see her at the computer entering
15 information?

16 A. Sure.

17 Q. Okay. So let's -- and you know that we
18 subpoenaed her records in connection with this
19 litigation, right?

20 A. Yes.

21 Q. So why don't we look at her records.
22 Since they're voluminous, I tried not to kill too
23 many trees, so we will mark one, and then is there a
24 chance that the two of you can look over each
25 other's shoulder?

1 D. Trahanas

2 MR. DeROSE: I'll just listen. If I need
3 to, I'll ask.

4 MS. WERMUTH: Okay.

5 MR. DeROSE: Put it on my lap, not now
6 though. Go ahead, you just do it together.

7 (Exhibit 29 was marked for
8 identification.)

9 BY MS. WERMUTH:

10 Q. So your leave of absence in February of
11 2015 began on the 17th of February; is that right?

12 A. Yes.

13 Q. Okay. All right. So if you could with me
14 on Exhibit 29 take a look at -- I'll just have to
15 give you the page number.

16 Can we go off the record for a second.

17 (Whereupon, an off-the-record
18 discussion was held.)

19 BY MS. WERMUTH:

20 Q. Can you turn to Bates page 10392.

21 By the way, do you still treat with
22 Dr. Cano?

23 A. My last appointment with her was December
24 of 2016.

25 Q. Why did you stop treating with her?

1 D. Trahanas

2 A. She -- I can't afford the insurance that
3 she takes.

4 Q. Are you treating with anyone else?

5 A. Yes.

6 Q. Who are you treating with now?

7 A. I actually just switched, so the doctor of
8 the clinic is Dr. Jada Johnson, but there's also a
9 therapist, and I don't know his name.

10 Q. Okay. And when did you start treating
11 with the therapist, the new therapist?

12 A. October of 2017.

13 Q. Okay. So this particular -- these
14 treaters haven't been disclosed to me, so we will
15 need to get that information and their records as
16 well.

17 MR. DeROSE: Put it in a letter, and I'll
18 get it for you.

19 BY MS. WERMUTH:

20 Q. So -- I'm sorry, actually it's 10397. I'm
21 sorry.

22 So this looks like a progress note for a
23 session you had with Dr. Cano on February 11th of
24 2015.

25 Do you see that at the top?

1 D. Trahanas

2 A. Yes.

3 Q. Okay. And under Chief Complaint it says
4 depressive -- so she writes "Says depressive and
5 anxiety symptoms have mildly improved."

6 Do you see that?

7 A. Yes.

8 Q. Okay. And you have no reason to doubt
9 that she accurately wrote down what you told her on
10 this date; is that right?

11 A. No, I don't have a reason.

12 Q. Okay. And so this is about a week before
13 you went on leave from work, right?

14 A. Correct.

15 Q. By the way, this was not your first
16 medical leave of absence at Northwestern, right?

17 A. Correct.

18 Q. Okay. You had at least one prior one?

19 A. About in June of 2014.

20 Q. Okay. And you returned to work with no
21 problems after that medical leave of absence, right?

22 A. Yeah.

23 Q. And you don't claim that you were
24 retaliated against in any way in connection with
25 that leave of absence, right?

1 D. Trahanas

2 A. Not the June of 2014, no, leave.

3 Q. Okay. All right. So on February 11th of
4 2015 you tell Dr. Cano that you're depressive and
5 anxiety symptoms have mildly improved, right?

6 A. Yes.

7 Q. Okay. And if you look under HPI, do you
8 see the area that says HPI?

9 A. Yes.

10 Q. Okay. And the second paragraph, the last
11 sentence, "Denies recent and current SI," do you see
12 that?

13 A. Yes.

14 Q. Do you understand SI to mean suicidal
15 ideation?

16 A. Yes.

17 Q. Okay. So is that accurate, that on
18 February 11th of 2015 you denied any suicidal
19 ideation?

20 A. Yes.

21 Q. Okay. And then do you see where it says
22 Past/Family/Social?

23 A. Yes.

24 Q. Okay. It says, "Says she has not been
25 studying for MCATs but will have to take the new

1 D. Trahanas

2 test."

3 So were you planning on taking the MCAT
4 test in 2015?

5 A. In -- I wasn't sure when I would take it,
6 but I was hoping for sometime at the end of the
7 summer of 2015.

8 Q. For matriculation in what year?

9 A. For 2016.

10 Q. Okay. And then she goes on to write,
11 "Says she is taking time off from job starting next
12 Monday, February 16th."

13 Do you see that?

14 A. Yes.

15 Q. Okay. So you were actually planning in
16 advance to take the leave of absence from your job
17 at Northwestern University?

18 A. Well, as of that day.

19 Q. Okay. And you are the one informing your
20 physician that you're going to take the time off,
21 right?

22 A. We had spoken before about -- she wanted
23 me to take time off because I was burnt out. And so
24 we had spoken about it, and I had told her that we
25 had deadlines at the time and I didn't -- I didn't

1 D. Trahanas

2 want to not make those deadlines for our publication
3 purposes and so that basically I promised her like
4 once we were done with those deadlines that I would
5 take her advice and I would take some time off.

6 Q. Okay. And if I were to tell you that
7 there's nothing in her notes from the month
8 preceding this visit that suggests that she
9 recommended you taking time off, would you have
10 reason to dispute that?

11 A. We spoke about it, so I'm not sure if --
12 are you saying that you didn't see it, or are you
13 saying that you might not see it? I didn't quite
14 catch the beginning.

15 Q. I'll strike that.

16 So let me ask you this: So you're feeling
17 better on February 11th, 2015, but you're also
18 telling her that you're going to take time off the
19 next week, right?

20 A. Feeling better is -- feeling better to how
21 I was. I mean, getting out of bed at that point is
22 feeling better.

23 Q. All right. Well, look at Page 10398 about
24 a third up from the bottom where it says Mood.

25 A. Yes.

1 D. Trahanas

2 Q. And it says, quote, "I feel good."

3 Do you see that?

4 A. Yes.

5 Q. Okay. So according to her notes, on
6 February 11th, 2015, you told her not just that you
7 were feeling better but that you feel good?

8 A. She asked me that every day that I would
9 go into the office.

10 Q. Right. And on February 11th, 2015, you
11 told her "I feel good"?

12 A. Compared to probably previous times, yes.

13 Q. Okay. And but, again, you are
14 nevertheless telling her you're going to take time
15 off starting next week, the following week, right?

16 A. Right. I already said why.

17 Q. Now, also there's a note in here that says
18 you were trying out for Chicago Red Stars tomorrow.

19 Do you see that at the bottom, at the end
20 of the paragraph on Past/Family/Social on
21 Page 10397?

22 A. Oh, yeah.

23 Q. Okay. What are the Chicago Red Stars?

24 A. It's a soccer team.

25 Q. Professional soccer team, right?

1 D. Trahanas

2 A. Yes.

3 Q. Okay. So that would be a full-time job --

4 A. No.

5 Q. -- if you were to get on the team?

6 A. No.

7 Q. It's not a full-time job?

8 A. No.

9 Q. The tryouts last how long about?

10 A. An hour and a half.

11 Q. They're not two days?

12 A. No, unless you get invited, like you have
13 to -- there's certain groups depending on your
14 position, certain things like that. It depends what
15 they were looking for, what they were in most need
16 of that dictates what days you go and how long you
17 stay.

18 Q. Did you try out for the Chicago Red Stars
19 on February 12th, 2015?

20 A. Yes.

21 Q. Did you get invited to join the team?

22 A. No.

23 Q. Okay. But you felt physically and
24 mentally well enough to go through the tryout
25 process on February 12th, 2015?

1 D. Trahanas

2 A. I would say as well as I was trying to
3 function at work.

4 Q. Okay. Now, if you go to Page 10399, it
5 says under Plan, the very last entry, "Patient
6 agrees to follow up Monday, March 2nd, at 10:00
7 a.m."

8 Do you see that?

9 A. Yes.

10 Q. So you agreed you would meet with her the
11 following month on March 2nd at 10:00 a.m., right?

12 A. Yes.

13 Q. And she did not give you or you did not
14 ask her for a letter regarding your leave from work
15 the following week, correct?

16 A. On March 2nd?

17 Q. On February 11th.

18 MR. DeROSE: If you want her to refer to
19 the notes for the answer --

20 MS. WERMUTH: No, I'm just asking her.

21 MR. DeROSE: Don't look at the notes.
22 Just answer her question.

23 THE WITNESS: Can you repeat that? I'm
24 sorry.

25

1 D. Trahanas

2 BY MS. WERMUTH:

3 Q. On February 11th, 2015, did you ask your
4 physician to give you a note to excuse you from work
5 the following week?

6 MR. DeROSE: Without referring to the
7 notes.

8 MS. WERMUTH: Please do not direct the
9 witness.

10 MR. DeROSE: Wait a minute, Counsel. Are
11 you asking her from her notes or from her memory? I
12 don't want her to be referring to notes if you're
13 asking --

14 MS. WERMUTH: Please don't instruct the
15 witness. I've asked you at least four times now.
16 You're telling the witness how to answer.

17 MR. DeROSE: You can ask me a hundred
18 times, Counsel. I have a right to make a record
19 here too, okay. I do want --

20 MS. WERMUTH: You do not have a right to
21 give the witness instructions on how to answer a
22 question. You don't.

23 MR. DeROSE: Counsel, please. If you are
24 asking her a question from her memory, I have a
25 right to tell my client --

1 D. Trahanas

2 MS. WERMUTH: You do not.

3 MR. DeROSE: -- do not look at notes.

4 MS. WERMUTH: No, you do not.

5 MR. DeROSE: -- answer the question. She
6 will refer you to a note if she wants.

7 BY MS. WERMUTH:

8 Q. You can answer the question. Let's
9 proceed.

10 A. I know that she would have to write a
11 note. I can't recall if she gave me a note that
12 day.

13 Q. Okay. And there's nothing in the notes
14 that suggests that you asked her to fill out any
15 FMLA forms or give you a note on that particular
16 day, correct?

17 MR. DeROSE: Objection. Unless she can
18 see the notes, how would she know the answer?

19 MS. WERMUTH: The notes are right in front
20 of her.

21 MR. DeROSE: Do you want her to look at
22 the notes?

23 BY MS. WERMUTH:

24 Q. I'm asking her there's nothing in those
25 notes, right? I've asked you that question.

1 D. Trahanas

2 There's nothing in the notes from
3 February 11th, 2015, that suggests that you asked
4 your physician to give you a note or to fill out any
5 forms to go on leave the following week?

6 A. I'm not sure that she would necessarily
7 note that.

8 Q. Okay. But you don't see anything in the
9 notes, right?

10 A. I don't see anything in her notes, no.

11 Q. Thank you. So now you did not then go
12 back to Dr. Schwulst or to HR that same day and tell
13 them that you were planning on taking a leave the
14 following week?

15 A. I did not. If I told anybody, if I told
16 Dr. Schwulst my personal information, I knew it
17 would get spread throughout the lab in minutes.

18 Q. Okay. But you knew that you were expected
19 to give notice before going on a leave if notice --
20 if the leave was not an emergency, right?

21 A. I mean, like I said before, I was burnt
22 out, so I considered it, yeah, as an emergency. I
23 mean --

24 Q. Well, you knew a whole week in advance you
25 were going to take that -- you were going on leave

1 D. Trahanas

2 the following week. So it wasn't an emergency,
3 right? You had the ability to give your employer
4 notice, correct?

5 A. My employer being Dr. Schwulst?

6 Q. Dr. Schwulst, the university, HR --

7 A. Right.

8 Q. -- administration.

9 A. As I stated, if I gave him that
10 information it would be given to everybody else. My
11 personal medical information would be given to
12 everybody else in the lab.

13 Q. Okay. So let me ask my question again.

14 You had the ability to give notice but you
15 chose not to, correct?

16 A. No.

17 Q. Okay. You could have -- you had gone on a
18 leave before, so you knew the process for going on a
19 leave of absence, right?

20 A. Somewhat. I mean, it was over a year. I
21 can't -- I'm sure each type of problem has a
22 different, you know, protocol or procedure or
23 paperwork I suppose.

24 Q. You could have gone to HR on
25 February 11th, 2015, and said I'm going to need to

1 D. Trahanas

2 start a leave of absence next week, right?

3 A. Right. I did that on February 16th.

4 Q. You didn't do it on the 11th though when
5 you knew you were going to be out?

6 A. No, I did not send them an e-mail that
7 day, correct.

8 Q. Okay. So on the 16th, so let's talk about
9 what happened on the 16th.

10 So the 16th of February is a Monday,
11 correct, or you don't recall?

12 A. I don't remember if the 15th or the
13 16th is a Monday.

14 Q. But you did not report to work on the
15 16th, correct?

16 A. Correct.

17 Q. And before you went on a leave of absence
18 you cleaned out your workspace, right?

19 A. Cleaned out?

20 Q. Yes, like took home personal effects,
21 cleaned out your desk area.

22 A. I mean, I -- when I left or after I was
23 terminated I asked for my belongings to be returned
24 to me.

25 Q. So that's not my question. Before you

1 D. Trahanas

2 went on a leave of absence you cleaned out your
3 workspace, cleaned it out of its personal effects?

4 A. No.

5 Q. And before you went on a leave of absence
6 you removed personal pictures and the like from your
7 work computer that was issued to you?

8 A. Maybe in the years prior, but not -- are
9 you saying on a specific day?

10 Q. Yes. Immediately prior to going on the
11 leave of absence you started to remove, for example,
12 the wallpaper picture of you and your mother on the
13 computer?

14 A. No.

15 Q. You did not?

16 A. I don't recall anything like that, no.

17 Q. And the week of February 16th, whatever
18 that fell in, did you take a trip that week?

19 A. No.

20 Q. You stayed in town?

21 A. Yeah. Yes.

22 Q. You did not go to visit your boyfriend?

23 A. No.

24 Q. By the way, are you still currently dating
25 the individual that you were dating in 2014?

1 D. Trahanas

2 A. We're not together anymore.

3 Q. So you're not dating?

4 A. No.

5 Q. And what is his name?

6 A. John.

7 Q. John, what's his last name?

8 A. Sitaras.

9 MR. DeROSE: Can you spell that for the
10 record?

11 THE WITNESS: S-i-t-a-r-a-s.

12 BY MS. WERMUTH:

13 Q. Were you dating him in February of 2015?

14 A. Yes.

15 Q. And January of 2015?

16 A. Yes.

17 Q. Okay. So did you talk to him about what
18 was going on at work?

19 A. I mentioned to him a little bit, yes.

20 Q. Okay. And do you have text messages and
21 e-mails with him regarding what was going on at
22 work?

23 A. The only e-mails that I have are what were
24 included in the I guess chains that we sent you or I
25 sent you or gave to John to give to you. So I think

1 D. Trahanas

2 there's a total of maybe two over the span of
3 however many years, and I don't have texts from him
4 since 2016 when him and I separated.

5 Q. So you did produce texts between you and
6 Salina from February of 2015, right?

7 A. Yes.

8 Q. And also texts from you to Melissa Wallin
9 in February of 2015 --

10 A. Yes.

11 Q. -- right?

12 But you didn't produce any text messages
13 with Dr. Schwulst from that time period, correct?

14 A. His texts were already provided to us, and
15 my carrier can't go that far back to give me those
16 text messages.

17 Q. So that's not my question, okay.

18 So you were able to get text messages to
19 produce from Salina and from -- or to Melissa,
20 right?

21 A. I had screen shot those to show them to my
22 attorney at the time of that year.

23 Q. So you screen shotted those text messages
24 in February of 2015?

25 A. No, later on in 2015.

1 D. Trahanas

2 Q. Okay. And so are you telling me that all
3 the old text messages between you and Carla and
4 Salina and Angelica and Melissa and Dr. Schwulst,
5 you didn't do anything to preserve them?

6 A. Beyond keeping as much as I could or like
7 voicemails or screen shots, no. My phone -- I mean,
8 I had a different model phone at the time, and so
9 that one actually got run over so it completely
10 cracked. So whatever ended up being saved was
11 saved, and the rest I can't retrieve because it's
12 too far, it's too far back to go.

13 Q. When did your phone get run over?

14 A. 2016.

15 Q. Okay. So between the time you went to the
16 EEOC in 2015 and the time your phone got run over in
17 2016 you didn't take any steps to preserve the data
18 that you had on your phone?

19 A. There is -- like Apple does that, but I
20 don't know a way for me to access that information.
21 I would have to ask Apple to, you know, retrieve
22 that data or information or texts.

23 Q. You were represented by counsel when you
24 filed at the EEOC; is that correct?

25 A. At the time that I was there?

1 D. Trahanas

2 Q. No. When you -- so you actually engaged
3 counsel in February of 2015, right?

4 A. Yes.

5 Q. And vis-a-vis your disputes with the
6 university and Dr. Schwulst, you've been represented
7 by some lawyer since that time, correct?

8 A. There was a break in between February and
9 until my current attorney, but, yes, after that
10 probably April of 2015, so maybe there was like a
11 month where I didn't have counsel.

12 Q. Okay. And just so I'm clear, you've
13 been -- so you've at least been represented
14 continuously since April of 2015 vis-a-vis these
15 issues involved in your lawsuit, correct?

16 A. Yes.

17 Q. Okay. And you did not do anything from
18 April '15 to the present to make sure before those
19 text messages disappeared and went away to preserve
20 them, right, to save them, to get them into a file
21 where they could be produced?

22 A. Like I said, they are there. It's just
23 I'm not able -- I'm not a computer person, so I
24 can't retrieve them. The way that iTunes or Apple's
25 iCloud account works is -- from what I've asked it's

1 D. Trahanas

2 very complicated, and unless you're a computer
3 expert you won't be able to retrieve those text
4 messages.

5 Q. When did you first notify human resources
6 that you were going to be out on leave?

7 A. February 15th or 16th of 2015.

8 Q. And how did you notify human resources?

9 A. I e-mailed. I e-mailed them.

10 Q. Who did you e-mail?

11 A. I believe Ms. Fernandez.

12 Q. And what did you say in the e-mail?

13 A. I don't recall.

14 Q. Did you provide any medical documentation
15 of the need for leave?

16 A. In the e-mail, probably. I would believe
17 that that would be sent through the doctor's office.
18 I don't think I would have access to that.

19 Q. Okay. When did you -- and did you e-mail
20 and notify HR first thing in the morning on the day
21 that you didn't report to work, or what time of day?

22 A. I don't recall. If you have an e-mail
23 that I could refresh my memory, I'd be more than
24 happy to try and answer, but I can't recall right
25 now.

1 D. Trahanas

2 Q. When did you notify Dr. Schwulst?

3 A. I believe February 16th, February 16th or
4 17th, via e-mail.

5 Q. So was it the second day that you did not
6 report to work that you notified Dr. Schwulst?

7 A. I would have to take a look and see the
8 dates on -- I'm not sure what's Monday, what's
9 Tuesday.

10 Q. Was Monday the first day you took off? So
11 let's set aside whether it was the 15th or 16th.

12 Was Monday the first day you took off?

13 A. Yes.

14 Q. Okay. And you did not notify Dr. Schwulst
15 until the following Tuesday; is that right?

16 MR. DeROSE: Objection, Counsel. She just
17 said she doesn't know unless she can see a document.

18 BY MS. WERMUTH:

19 Q. You can answer the question.

20 MR. DeROSE: Asked and answered.

21 MS. WERMUTH: You've stated your
22 objection.

23 BY MS. WERMUTH:

24 Q. You can go ahead and answer my question.

25 A. You said the following Tuesday?

1 D. Trahanas

2 Q. The Tuesday -- okay. So you've testified
3 that the first day that you didn't report to work in
4 connection with the leave of absence was a Monday,
5 right?

6 So my question is, did you notify
7 Dr. Schwulst on that Monday or the next day,
8 Tuesday?

9 A. Like I said, I can't remember if it was
10 the 16th or 17th or Monday or Tuesday. I'd have to
11 refresh my memory with the e-mails.

12 Q. Can you mark that, please.

13 (Exhibit 30 was marked for
14 identification.)

15 MR. DeROSE: Remember, an hour and a half
16 before we get --

17 MS. WERMUTH: We may have to just agree to
18 continue the deposition.

19 MR. DeROSE: Well, no, you get seven
20 hours.

21 MS. WERMUTH: And it hasn't been close to
22 seven hours yet.

23 MR. DeROSE: Well, I didn't say you have
24 to leave now. I'll wait for seven hours.

25

1 D. Trahanas

2 BY MS. WERMUTH:

3 Q. Okay. So, Ms. Trahanas, these are e-mails
4 in Deposition Exhibit 30 that you produced to us.

5 Can I ask you to look at the second page,
6 which is marked Trahanas 193.

7 A. Yes.

8 Q. Actually no, I'm sorry, don't look at
9 that. Look at the first page.

10 So it's Tuesday, February 17th, 2015, at
11 12:00 noon.

12 A. Yes.

13 Q. "Hello, Steve. I am taking a medical
14 leave of absence. I have contacted HR, and they
15 will be notifying you."

16 Do you see that?

17 A. Yes.

18 Q. So was that the first notice that you gave
19 to Dr. Schwulst that you were going to be taking a
20 leave of absence?

21 A. Yes.

22 Q. So it was on the second day of your
23 absence at noon, correct?

24 A. Yes.

25 Q. And he responds about an hour, over an

1 D. Trahanas

2 hour later, "Diane, what is going on? Can you call
3 me," right?

4 A. Yes.

5 Q. And you say, "I really appreciate your
6 concern, but it's a private matter that I am not
7 comfortable discussing."

8 Do you see that?

9 A. Yes.

10 Q. Okay. And then he responds, "When are you
11 coming back?"

12 A. Yes.

13 Q. And then three -- I'm sorry, a day later
14 you tell him you are unsure, right?

15 A. Yes.

16 Q. And you tell him you will only be
17 communicating with HR?

18 A. Correct.

19 Q. Okay. So you didn't want to talk directly
20 with him?

21 A. Correct.

22 Q. And you wanted to limit any e-mails, texts
23 or calls from him, right?

24 A. Yes.

25 Q. Okay. Now, I haven't seen any similar

1 D. Trahanas

2 e-mail that you sent to HR.

3 Are you sure you sent an e-mail to HR?

4 A. If I e-mailed him that -- well, I said
5 contacted, so it's quite possible that I called them
6 and my doctor was going to send over the paperwork.
7 It may have been an e-mail; it may have been a phone
8 call. I can't recall.

9 Q. And if you look at 22, if you look at
10 Exhibit 22, the big stack of text messages.

11 MR. DeROSE: Let me look at it over your
12 shoulder for a second when she gives you the page.
13 Oh, I have that.

14 BY MS. WERMUTH:

15 Q. Can you just turn to the last page.

16 A. Yes.

17 Q. Wait, I'm sorry, turn to the
18 second-to-last page. So there's a text from
19 Dr. Schwulst to you, "Are we meeting with Harris
20 today?"

21 Do you see that?

22 MR. DeROSE: Do you see it?

23 MS. WERMUTH: 2246.

24 THE WITNESS: Okay. Oh, here.

25

1 D. Trahanas

2 BY MS. WERMUTH:

3 Q. "Are we meeting with Harris today," do you
4 see that?

5 A. Yes, I see that.

6 Q. So that's on the 16th, which was that
7 Monday. And you respond, "He changed the time last
8 week and hasn't confirmed this week. I will be
9 staying home sick today."

10 A. Yes.

11 Q. So you told him that Monday that you were
12 staying home sick, right?

13 A. Yes.

14 Q. And then Tuesday at 1:00 o'clock he texts
15 you and says, "Are you okay? Can you call me?"

16 A. Yes.

17 Q. And then you did not respond?

18 A. Correct.

19 MR. DeROSE: When you say you did not, you
20 got the 12:00 o'clock response, 12:00 o'clock noon
21 response on the 17th, Tuesday. Am I wrong in that?

22 MS. WERMUTH: Yes, you are wrong on that.

23 THE WITNESS: I did not respond to that
24 text message.

25 MS. WERMUTH: Thank you.

1 D. Trahanas

2 BY MS. WERMUTH:

3 Q. Okay. So going to Exhibit 30, okay, so he
4 had texted you that day of the 17th, and you had
5 e-mailed him at noon on the 17th, okay. Got it.

6 Now, he also tried to call you on the
7 17th; is that right?

8 A. Yes.

9 Q. And you did not return his phone call
10 either, right?

11 A. Correct.

12 Q. Okay. And that is -- let me just get that
13 marked.

14 You took a screen shot of the
15 transcription of the message that he left you,
16 right?

17 A. Yes.

18 Q. You also saved that message, right?

19 A. I have that message, yes.

20 Q. Can we mark that. Thank you.

21 (Exhibit 31 was marked for
22 identification.)

23 BY MS. WERMUTH:

24 Q. Okay. Now, according to Exhibit 31,
25 Dr. Schwulst tells you that he asked his HR people,

1 D. Trahanas

2 and then it's blank, blank -- or blank days they
3 blank blank not have heard anything about it, okay.

4 So do you recall that in his voicemail
5 message he told you he contacted HR and they had
6 nothing to share with him?

7 A. I'm sorry, your question was if I recall
8 the voicemail that he left?

9 Q. Yes. Do you recall him telling you in the
10 voicemail that he contacted HR and they did not have
11 any information?

12 A. I don't recall remembering it at the time.
13 I see it here now, but ...

14 Q. Okay. Now, at some point you had to speak
15 with The Hartford; is that right?

16 A. I believe so.

17 Q. And The Hartford is the insurance company
18 that administers leaves of absence for Northwestern
19 University. Is that your understanding?

20 A. My understanding is they're like
21 mediators. I'm not sure. They're the ones that
22 approve leaves.

23 Q. And you were approved for a leave of
24 absence, right?

25 A. Correct.

1 D. Trahanas

2 Q. And you were approved -- and you received
3 pay during the period of time that you were on a
4 leave of absence; is that right?

5 A. Yes.

6 Q. Okay. And you texted Melissa Wallin on
7 that same day; is that right?

8 A. On the 17th?

9 Q. Yes.

10 A. Yes, after I received a voicemail from
11 Salina -- I'm sorry, a text message from Salina.

12 Q. Can you mark that, please.

13 (Exhibit 32 was marked for
14 identification.)

15 MR. DeROSE: 32, Counsel?

16 MS. WERMUTH: Yes.

17 BY MS. WERMUTH:

18 Q. Now, this is a text message, portion of a
19 text message I guess that you sent to Melissa Wallin
20 on February 17th, 2015.

21 Is that accurate?

22 A. Yes.

23 Q. Okay. And you say, "My boss may approach
24 you as I have received a text from another co-worker
25 inquiring about my private personal medical leave of

1 D. Trahanas

2 absence because that's exactly what it is."

3 So you tell Melissa that you were on a
4 medical leave of absence, right?

5 A. Yes.

6 Q. So you disclosed that information to her?

7 A. I disclosed that I was taking a leave of
8 absence.

9 Q. Okay. A medical leave of absence, right?

10 A. Yes.

11 Q. And you say, "Please do not be concerned,
12 and let him know that you are unaware of my private
13 info."

14 A. Yes.

15 Q. Okay. She did not respond to that text,
16 right?

17 A. She did not, no.

18 Q. Okay. And then there's another text at
19 the bottom of the page that's cut off.

20 A. That's a text message from months later.
21 It has nothing to do with -- I don't even remember
22 what's on it.

23 Q. Do you still have that text?

24 A. I -- I could find it. Yeah, I probably
25 have it.

1 D. Trahanas

2 Q. These are terrible copies.

3 I'm sorry, can we go off the record for a
4 second.

5 (Whereupon, an off-the-record
6 discussion was held.)

7 BY MS. WERMUTH:

8 Q. Now, you had to interview with
9 The Hartford on the 17th to tell them about the
10 nature of your request for leave; is that right?
11 You had a phone interview with The Hartford?

12 A. I can't definitively say yes. I don't
13 remember.

14 Q. Okay. And ultimately Dr. Cano had to
15 submit information to The Hartford to support your
16 request for a leave; is that right?

17 A. Yes, yes.

18 Q. And you were on an approved paid leave of
19 absence through May 24th of 2015; is that right?

20 A. It's possible, but I'm not sure of the
21 exact date to which it was a paid leave or not.

22 Q. At some point was your pay turned off?

23 A. I don't know. I don't remember.

24 Q. Do you remember if The Hartford asked you
25 whether you were going to be filing for a worker's

1 D. Trahanas

2 comp claim?

3 A. It's possible, but I don't recall.

4 Q. You never did file for a worker's comp
5 claim --

6 A. No.

7 Q. -- correct? Okay.

8 Now, let me ask you this: The week before
9 you went on a leave of absence you worked at the
10 lab, right?

11 A. To the best of my recollection, yes.

12 Q. Okay. And you were in the middle of
13 running experiments at the time before you went on a
14 leave of absence, right?

15 A. I mean, we were always running
16 experiments. So I believe at the time we were
17 trying to test -- we were trying something new. It
18 wasn't just the typical project in terms of like
19 changing the data we were analyzing but keeping
20 procedures the same or the protocol.

21 So I think we were -- I think we were
22 trying to figure out the results after we do what's
23 called a clodronate injection. I think that was
24 kind of what we were working on at the time.

25 Q. Okay. So this injection was an injection

1 D. Trahanas

2 into the model, the mice?

3 A. Correct.

4 Q. Okay. So you had done the injection
5 before you went on the leave of absence; is that
6 right?

7 A. Well, after you do the injection, to what
8 I remember, I believe we would have to collect the
9 samples about a day or 48 hours after. I don't
10 think it would last days after.

11 Q. So my question is, you had injected the
12 mice before you went on your leave of absence?

13 A. So my response would be I didn't inject
14 mice -- let's say Friday was my last day of work --
15 to wait until Monday. We didn't do a set of
16 injections -- we don't do a set of injections on
17 Friday because it's the last day of the week, and so
18 we wouldn't be able to collect anything come
19 Saturday or Sunday.

20 Q. Because if that were the case, then you
21 would be off protocol?

22 A. For that specific hypothesis, yeah, for
23 that specific project at the time, from what I
24 remember, correct.

25 Q. Okay. And if you're off protocol -- and

1 D. Trahanas

2 I'm talking now about the animal treatment protocol,
3 right?

4 A. I'm referring to our protocol for the
5 project that we were working on.

6 Q. I see, okay. But there's also the
7 treatment of the mouse protocol, right?

8 A. Of course.

9 Q. Of course. And so if at any point in time
10 you're off protocol with the treatment of the mice,
11 that either has to get reported or the mice have to
12 be euthanized; is that right?

13 A. If we were approved to do an experiment,
14 let's say, and we hit the mouse, we wouldn't have to
15 report like that day that we did a hit or traumatic
16 brain injury in the mouse. We would just go on
17 doing our research.

18 If a mouse was ever sick, we never had a
19 sick mouse, then it would -- we would be notified
20 via e-mail with the people who run the subbasement
21 at Northwestern or the animal caretakers that our
22 animal is sick and we need to attend to it, and we
23 could either euthanize it or we could pay to have
24 them do it for us.

25 Q. Okay. So here's my question: If you go

1 D. Trahanas

2 off the mice care protocol, like if somehow you're
3 not compliant with the treatment of the mice, that
4 protocol -- and you told me you were familiar with
5 that protocol, right?

6 A. Yes.

7 Q. So if at any point in time you veer from
8 that protocol, the scientist in charge,
9 Dr. Schwulst, would either have to notify IUCAC. Is
10 that what it was called?

11 A. IAC -- yes, CUC, IACUC, yes.

12 Q. I-A-C-U-C?

13 A. Yes.

14 Q. And/or you'd have to euthanize the mice,
15 right?

16 A. I can't say that we would kill the mice
17 if -- we wouldn't have mice ordered prior to them
18 approving us, so I wouldn't -- we wouldn't choose
19 between euthanizing them and the protocol. It would
20 just be we have mice, we do our experiment, and that
21 would really be it.

22 Q. Okay. We're going to take a quick break.

23 A. Okay.

24 (Whereupon, a recess was taken
25 from 4:19 p.m. to 4:22 p.m.)

1 D. Trahanas

2 MS. WERMUTH: Let's go back on the record.

3 BY MS. WERMUTH:

4 Q. Let me ask this quick question: Did --
5 strike that.

6 Can we go off the record.

7 (Whereupon, a recess was taken
8 from 4:22 p.m. to 4:24 p.m.)

9 MS. WERMUTH: Let's go back on the record.

10 (Exhibit 33 was marked for
11 identification.)

12 BY MS. WERMUTH:

13 Q. So very quickly, Ms. Trahanas, let's go
14 through these exhibits that we've marked.

15 So Deposition Exhibit 33 is a letter to
16 you dated February 20th, 2015, from The Hartford.

17 Do you see that?

18 A. Yes, I do see it.

19 Q. Okay. And if you look at the second page,
20 there's a notice of approval of your continuous FML
21 leave and continuous short-term disability leave
22 through March 2nd, 2015, right?

23 A. Correct.

24 Q. Okay. And you were paid through that time
25 period, correct?

1 D. Trahanas

2 A. Yeah, yes.

3 (Exhibit 34 was marked for
4 identification.)

5 BY MS. WERMUTH:

6 Q. Okay. And then if you look at
7 Exhibit 34 -- I'm sorry, so Exhibit 34 is just --
8 I'm sorry. I'm not even going to ask you about
9 that.

10 That didn't go to you. That went to your
11 doctor; is that right?

12 A. I don't recognize the --

13 Q. It says "Dear Dr. Cano"?

14 A. Yeah, that probably went to her.

15 (Exhibit 35 was marked for
16 identification.)

17 BY MS. WERMUTH:

18 Q. Okay. And then Exhibit 35 -- I'm sorry,
19 yeah, 35, that went to you, and that's dated
20 April 21, 2015.

21 Do you see that?

22 A. Yes.

23 Q. Okay. And according to this letter, you
24 were approved on FML and short-term disability leave
25 through May 3rd, 2015; is that right?

1 D. Trahanas

2 A. Yes.

3 Q. Okay. And you were paid during that time
4 period; is that right?

5 A. It's been a long time since I've seen any
6 of the time-related things from Northwestern, so
7 without doing math, I suppose, yeah, that's what
8 this is reflecting, but so yes.

9 (Exhibit 36 was marked for
10 identification.)

11 BY MS. WERMUTH:

12 Q. Okay. And then on Exhibit 36 you were
13 notified that as of May 10th your FMLA leave had
14 exhausted, but you were eligible for additional
15 leave, right?

16 A. Yes, I see that.

17 (Exhibit 37 was marked for
18 identification.)

19 BY MS. WERMUTH:

20 Q. Okay. And then in Exhibit 37, also dated
21 May 13th, you were notified that your short-term
22 disability was approved through 5/24/2015 but that
23 your FML had been exhausted, right?

24 A. I see that on this, yes.

25 Q. Okay. And were you paid through

1 D. Trahanas

2 May 4th of 2015?

3 A. I see zero.

4 Q. I'm sorry, May 24th of 2015.

5 A. I'm not sure because I see zeros here, so
6 like I said, I don't remember how --

7 Q. Where do you see zeros?

8 A. On the second page, 59 -- 5917, remaining
9 remaining zero, zero, zero, zero. So I'm not sure
10 if that -- like I said in the previous one, I'm not
11 sure how the hours worked. It says 450, 12 next to
12 that, so --

13 Q. So those are hours, not pay. So you can
14 see that you have been -- if you go down to the last
15 row, short-term disability/medical leave approved,
16 right?

17 A. You're referring to 2/16 to 5/24 --

18 Q. Yes.

19 A. -- of that line?

20 Q. Yes.

21 A. Yes.

22 Q. Okay. You just don't recall if you were
23 paid?

24 A. Yes.

25 Q. But you were approved on a leave of

1 D. Trahanas

2 absence through 5/24/2015?

3 A. Correct.

4 (Exhibit 38 was marked for
5 identification.)

6 BY MS. WERMUTH:

7 Q. Okay. And then Exhibit 38 is dated
8 June 9th, and that's a notice that in the third
9 paragraph says, "On June 8th, 2015, it was brought
10 to our attention that you instructed The Hartford to
11 close your claim. As of 6/9/2015 you have not
12 returned to work."

13 Those two statements are accurate; is that
14 correct?

15 A. Yes.

16 Q. Okay. And you were further informed that
17 if you intended to resign that you should let
18 Victoria Sherb know immediately. If you've not been
19 released to return to work, you must submit
20 documentation from your physician so that your
21 leave -- so that the university can determine
22 whether to extend your leave.

23 Do you see that?

24 A. Yes, I see that.

25 Q. Okay. So you had told The Hartford that

1 D. Trahanas

2 you -- to close the claim, right, to close your
3 claim, right?

4 A. Yes.

5 (Exhibit 39 was marked for
6 identification.)

7 BY MS. WERMUTH:

8 Q. Okay. And then Exhibit 39 is just -- that
9 was the official notice on June 12th that your
10 short-term disability was approved through
11 May 24th of 2015; is that right?

12 A. That's what it says, yes.

13 Q. Now, can you go back to Dr. Cano's
14 records, please, which are Exhibit 29, and can you
15 turn to Page 10470.

16 A. Okay, I'm there.

17 Q. So these are notes from a visit with
18 Dr. Cano dated 4/28/2015.

19 Do you see that?

20 A. Yes.

21 Q. Okay. And if you look on the next page of
22 this visit at 10471 where it says Past History --

23 A. Yes.

24 Q. -- it says, "Says she is trying to study
25 for MCAT."

1 D. Trahanas

2 Do you see that?

3 A. Yes.

4 Q. "Plans to leave current job."

5 Do you see that?

6 A. Yes.

7 Q. Okay. So you told Dr. Cano in April, on
8 April 28th of 2015 that you did not intend to return
9 to Northwestern; is that right?

10 A. I didn't -- I didn't tell her. That I
11 think is reflecting our conversation of plans that I
12 wouldn't be able to go back to my current job.

13 Q. Well, it says "plans to leave current
14 job," right?

15 A. Like, I mean, we had made plans that I
16 would not be able to return being supervised under
17 Dr. Schwulst.

18 Q. Okay. Well, then go to Page 10467.
19 Actually go to Page 10466, please.

20 MR. DeROSE: And, Counsel, so the record
21 is clear, the records speak for themselves, but
22 you're asking her if she agrees with the statements
23 she sees in the records or did she actually say
24 these things to the doctor?

25 MS. WERMUTH: Well, my questions speak for

1 D. Trahanas

2 themselves, but I've moved on to a different
3 question.

4 BY MS. WERMUTH:

5 Q. So are you on Page 10466?

6 A. Yes.

7 MR. DeROSE: Counsel, can I be clear on
8 the record? Are you asking her to confirm what's
9 written in the record, or you're asking her is this
10 what she's saying, because you asked her did you say
11 this, and the record says what it says.

12 MS. WERMUTH: I understand, so I'm
13 asking -- so, look, right now she has answered the
14 question I already asked. So let me ask this
15 question, and if you find it confusing -- if the
16 witness finds it confusing, she can let me know
17 that.

18 BY MS. WERMUTH:

19 Q. Okay. So you met with Dr. Cano on
20 5/26/2015?

21 A. Yes.

22 Q. Okay. And there's a -- if you could turn
23 to Page 10467, in the section that reads Past
24 History there's a note where the doctor writes,
25 "Says she is studying for the MCAT exam."

1 D. Trahanas

2 Do you see that?

3 A. Yes.

4 Q. And that's true, you were studying for the
5 MCAT in May of 2015?

6 A. I was trying to.

7 Q. And you told her that you were trying to?

8 A. Yes.

9 Q. Okay. And then the next sentence, the
10 doctor writes, "Says she left job."

11 Did you tell Dr. Cano on 5/28/2017 [sic]
12 that you left your job?

13 A. I don't recall telling her I left my job.
14 I recall us having a conversation about me leaving.

15 Q. This is written in the past tense. It
16 says she left job.

17 So your testimony is that you did not tell
18 her on 5/28/2015 that you left your job?

19 MR. DeROSE: Objection, Counsel. That's
20 not what she just said. Do you want it read back?

21 MS. WERMUTH: I don't.

22 MR. DeROSE: She said I don't recall,
23 Counsel.

24 MS. WERMUTH: No, sir.

25 MR. DeROSE: Wait one second.

1 D. Trahanas

2 MS. WERMUTH: I asked a new question.

3 MR. DeROSE: Let me --

4 MS. WERMUTH: I asked a new question.

5 MR. DeROSE: I am going to make my record.

6 You cannot take an answer from the client, and I
7 object to it, when she says I don't recall and then
8 you turn it around to a different answer.

9 MS. WERMUTH: First of all, that's not
10 what she said. She didn't say she didn't recall.

11 MR. DeROSE: Would you please, sir, for me
12 read back her last answer to counsel's questions.

13 (Record read.)

14 BY MS. WERMUTH:

15 Q. So the next sentence reads, "Plans to file
16 for unemployment benefits today."

17 Do you see that note?

18 A. Yes, I see the note.

19 Q. Did you tell Dr. Cano that you planned to
20 file for unemployment benefits on 5/28/2015?

21 A. I don't recall telling her I would file it
22 that day.

23 Q. Okay. And I'm sorry, it's 5/26, not 28,
24 2015.

25 When did you apply for unemployment

1 D. Trahanas

2 benefits?

3 A. June of 2015.

4 Q. Is there any reason why you didn't produce
5 the records relating to your application for
6 unemployment?

7 A. There's no reason. I just don't have
8 them.

9 Q. Why didn't you retain those records?

10 A. I don't recall if I even have any paper --
11 I think you have to go to the unemployment office
12 and you file it with an adviser there or
13 representative there. I can't -- I can't recall
14 taking something home or having any papers.

15 Q. Okay. Can you please look at Page 10641
16 in Exhibit 29.

17 A. 29?

18 Q. Yes, 10461.

19 A. I'm there.

20 Q. Okay. So you saw Dr. Cano on June 16th of
21 2015; is that right?

22 A. Yes.

23 Q. Okay. And if you turn to Page 10462, the
24 second page of the note, under Past History Dr. Cano
25 writes, "Says Northwestern is denying unemployment

1 D. Trahanas

2 benefits."

3 Do you see that, the second sentence under
4 Past History?

5 A. I do see that.

6 Q. Okay. So that means, if her notes are
7 accurate, that you applied for unemployment benefits
8 sometime before June 16th of 2015; is that right?

9 A. According to this, yes.

10 Q. Okay. And you have no reason to dispute
11 the accuracy of Dr. Cano's notes, do you?

12 A. Generally no, but like I said, I can't
13 recall specific dates as to when the unemployment
14 benefits were submitted.

15 Q. Okay. Then if you go to Page 10464, are
16 you with me?

17 A. Sorry, they're sticking.

18 Q. Yeah, that's okay.

19 A. Okay, yes.

20 Q. So this is still part of the June 16th,
21 2015 note, and just above the chart there's four
22 bullet points, and the third bullet, do you see like
23 a dash --

24 A. Yes.

25 Q. -- four dashes?

1 D. Trahanas

2 So the third dash says, "Patient requests
3 letter to date to return to work as of last
4 appointment."

5 A. Yes.

6 Q. "But with recommendations for appropriate
7 work environment."

8 A. Yes.

9 Q. Okay. So even though you had, according
10 to Dr. Cano's notes, left Northwestern and applied
11 for unemployment, you were asking her on
12 June 16th to give you a note to return to work; is
13 that right?

14 A. We just -- our conversation was about me
15 being able to work but with her discretion not to
16 work under Dr. Schwulst or in the current
17 environment that I had been working in.

18 Q. Okay. But as of the date that you asked
19 for that letter you had already applied for
20 unemployment?

21 A. It would seem so.

22 Q. Okay. And she gave you that note that
23 day, correct?

24 A. On June 16th?

25 Q. Yes. It says given letter today.

1 D. Trahanas

2 A. Yes.

3 Q. And the next page is that letter, correct?

4 A. Yes, that's the letter.

5 Q. Okay. So you walked out with that letter?

6 A. Yes.

7 Q. And what did you do with it?

8 A. Are you saying that day, or are you saying
9 like -- because I have the letter.

10 Q. Once you got that letter, did you ever
11 give it to anybody at Northwestern?

12 A. It's possible I dropped it off to somebody
13 at HR, maybe like Daina's -- the person at the front
14 desk at HR, but I don't specifically -- I don't
15 recall.

16 Q. Okay. Can you mark that, please.

17 (Exhibit 40 was marked for
18 identification.)

19 MR. DeROSE: This is 40, Counsel?

20 MS. WERMUTH: Yes.

21 BY MS. WERMUTH:

22 Q. Okay. Deposition Exhibit 40 is the letter
23 notifying you that your job was being terminated
24 because they had not heard back from you; is that
25 right?

1 D. Trahanas

2 A. Yes, I see -- yes, I see it.

3 Q. And that letter then was also sent to you
4 by e-mail from Victoria Sherb as well.

5 Do you remember getting that e-mail?

6 A. I know I have it. I can't -- I can't
7 testify that I saw it that day or when I saw it, but
8 I do have it.

9 Q. I can just mark that.

10 (Exhibit 41 was marked for
11 identification.)

12 BY MS. WERMUTH:

13 Q. And Exhibit 41, that's the e-mail that you
14 got from Victoria Sherb with the letter attached,
15 right?

16 A. Yes.

17 Q. And Victoria Sherb also reached out to you
18 in advance of that by e-mail.

19 Do you remember communicating with her by
20 e-mail prior to that notice in Exhibit 41?

21 MR. DeROSE: It is an e-mail, isn't it?

22 MS. WERMUTH: I'll withdraw the question.

23 Can we mark this, please, as 42.

24 (Exhibit 42 was marked for
25 identification.)

1 D. Trahanas

2 BY MS. WERMUTH:

3 Q. According to -- so you now have Exhibit 42
4 in front of you?

5 A. Yes.

6 Q. And you see in the middle of the first
7 page there's an e-mail from Victoria Sherb dated
8 June 9th of 2015?

9 A. I do see it.

10 Q. And it says, "Hi Diane, I have tried
11 calling you a few times to inquire about the status
12 of your medical leave."

13 Do you see that?

14 A. I do see that.

15 Q. Okay. And then she says, "Yesterday it
16 was brought to my attention you closed your leave
17 claim with The Hartford."

18 Do you see that?

19 A. I see that as well.

20 Q. Okay. And then you responded to this
21 e-mail on the 15th, so six days later, saying, "My
22 doctor is not allowing me to return to work at
23 Northwestern University."

24 A. Yes, that's stated in the e-mail.

25 Q. Okay. Can you mark that, please.

1 D. Trahanas

2 (Exhibit 43 was marked for
3 identification.)

4 THE WITNESS: I believe there is a
5 subsequent e-mail to this chain. I'd like to state
6 that for the record.

7 BY MS. WERMUTH:

8 Q. Between you and Victoria?

9 A. Correct.

10 Q. And what do you think that chain says?

11 A. I believe it was an e-mail from me to her,
12 and I received an automatic message. She was on
13 leave or wasn't available at the time.

14 Q. And what do you recall doing with that, if
15 anything?

16 A. Doing with the e-mail or why I e-mailed
17 her?

18 Q. So I'm confused.

19 What is the subsequent communication you
20 had with Victoria Sherb after you gave her the
21 e-mail in Exhibit 42?

22 A. So after I gave her the e-mail in
23 Exhibit 42 I tried to follow up and clarify what I
24 had written as just Northwestern University, as I
25 had spoken to my physician; and she had told me I

1 D. Trahanas

2 can go back to work so long as it's not under
3 Dr. Schwulst's supervision.

4 And so I e-mailed Victoria, and I received
5 an automatic vacation response or out of the office
6 response.

7 Q. Okay. And did you follow up after that?

8 A. No.

9 Q. Okay. Can we give you Exhibit 43. These
10 are e-mails between you and -- I'm sorry, text
11 messages between you and Salina Dominguez.

12 Can you tell me the date on these?

13 A. February 17th.

14 Q. And where do you see that?

15 A. I see that on the second page of
16 Exhibit 43 at the top.

17 Q. So where do these messages start?

18 So --

19 A. So I know what you're getting at. You
20 want to know the first. I'm trying to see -- okay.

21 So the second page actually should be the
22 first. It should be the top of that text message
23 thread so Trahanas 108 at the bottom. This should
24 be the first part. So Salina sent me this text
25 first.

1 D. Trahanas

2 Q. Are you sure?

3 A. Pretty sure, yes.

4 Q. Okay. So Salina says, "Steve and Rana
5 came over to me asking about you"?

6 A. Yes.

7 Q. Okay. "Steve said you only sent him a
8 one-line e-mail saying you were taking your med
9 leave."

10 A. Yes.

11 Q. All right. And then she goes through,
12 "That's TMI to for me and Rana."

13 What does that mean?

14 A. TMI is short for too much information.

15 Q. "You need to talk to HR and make sure he's
16 aware your businesses stays private."

17 Did you do that? Did you follow her
18 advice?

19 A. Yes, I spoke to HR after.

20 Q. After this?

21 A. Not the minute after this, but after this,
22 yes.

23 Q. Okay. What does -- the first page, 107,
24 where does that fit in the string?

25 A. 107 would be towards the end, so

1 D. Trahanas

2 somewhere -- does it say a time? Somewhere towards
3 the end of that conversation. I mean, if you want
4 to give me a few minutes I can organize them for
5 you.

6 Q. Can we -- I mean, I don't want to take up
7 my seven-hour time with you doing that, if we can
8 all agree to go off the record and not use record
9 time for that.

10 MR. DeROSE: This is all news to me. I'm
11 an old man, these new ways of communicating.

12 Go ahead and put them in order.

13 MS. WERMUTH: Go ahead and go off the
14 record then.

15 (Whereupon, a recess was taken
16 from 4:50 p.m. to 4:56 p.m.)

17 BY MS. WERMUTH:

18 Q. Okay. So this is Exhibit 43.

19 So I understand it, the first text message
20 on this date came from Salina to you?

21 A. Correct.

22 Q. Okay. Are there any text messages
23 preceding 1:46 p.m. on that date between you and
24 Salina?

25 A. We texted often. I wouldn't be able -- it

1 D. Trahanas

2 wasn't that day. I wouldn't know from what day or
3 the contents of those texts, but I'm sure there are.
4 I don't know if I have them still, like if they're
5 on -- they're somewhere on my computer or like Apple
6 has them, but I don't -- not that day.

7 Q. Okay. So it sounds to me like Salina may
8 have known that you were on medical leave at the
9 time that she sent this.

10 Did you notify her in advance -- strike
11 that.

12 When did you first tell Salina that you
13 were on medical leave?

14 A. With this text she told me actually. She
15 didn't know.

16 Q. You didn't tell her yourself?

17 A. No, prior to this, no.

18 Q. And she said -- and apparently what
19 Dr. Schwulst said was that you sent him a one-line
20 e-mail saying you were taking medical leave, taking
21 your medical leave, right?

22 A. That's what it says, yes.

23 Q. Okay. So that according to her text
24 that's the only thing Dr. Schwulst said, right?

25 A. As -- as far as the text, yes, but her and

1 D. Trahanas

2 I spoke subsequently to the text. I can't recall if
3 it was that day or the day after that. Him and Rana
4 came over asking her and talking about it. And then
5 they kind of went around the lab talking about it
6 with everyone and stipulating as to what my medical
7 leave was for.

8 Q. Stipulating to what your --

9 A. Like they were taking guesses at why I
10 wasn't there.

11 Q. And this is information that you know only
12 because Salina told you, correct?

13 A. Correct.

14 Q. All right. So you don't have firsthand?
15 You weren't in the lab, you didn't hear those
16 conversations?

17 A. I did not.

18 Q. Okay. And did Salina take a guess as to
19 why you were out?

20 A. Take a -- I mean, she asked me, even in
21 this thread I believe somewhere, she asked me kind
22 of what was going on.

23 Q. Okay. Because she was concerned?

24 A. Yeah. I mean, she knew a little bit of my
25 home background, but also she knew what was going on

1 D. Trahanas

2 in the lab with Dr. Schwulst and everybody else.

3 Q. And your home background, you had shared
4 with her your home background, right?

5 A. Yes.

6 Q. And your home background involved some
7 domestic violence; is that right?

8 A. At some point, yes.

9 Q. Okay. And is that what you mean by your
10 home background?

11 A. Just the -- just a lot of stress at home.

12 Q. Okay. And your parents are not divorced?

13 A. They're not.

14 Q. Did your mother file for divorce at some
15 point in time?

16 A. She -- she asked for divorce papers. She
17 has the papers, but she has not filed for divorce.

18 Q. She never filed for divorce?

19 A. Correct.

20 Q. And you never told -- did you ever tell
21 your psychiatrist that she had filed for divorce?

22 A. No. I told her that she was speaking to
23 attorneys and looking to file for divorce.

24 Q. Did you -- so you voluntarily shared this
25 information with Salina, right?

1 D. Trahanas

2 A. Correct.

3 Q. Did you voluntarily share that information
4 that you shared with Salina with other people in the
5 lab as well?

6 A. Yes.

7 Q. Who else?

8 A. Rana.

9 Q. Okay. So you voluntarily told Rana about
10 your home life, right?

11 A. I was speaking -- she was speaking to me
12 about her experience because one time she had gotten
13 in a fight with at the time her husband prior to her
14 divorcing, and I touched on it, but I didn't get
15 into details at that time.

16 Q. Okay. Anyone else that you shared
17 information about why you were on medical leave or
18 your home life with in the lab other than Salina and
19 Rana?

20 A. Other than the text message with Melissa
21 that is -- I'm not sure what exhibit that is, no, I
22 did not.

23 Q. Okay. And did you -- so you never told
24 Angelica about your depression or anxiety or your
25 home life?

1 D. Trahanas

2 A. Angelica knew a little bit about my home
3 life.

4 Q. And your depression and anxiety, did you
5 tell her about that?

6 A. I definitely told her after I left
7 Northwestern. I can't recall a time where I
8 specifically told her while I was at Northwestern.

9 Q. What about Carla Cuda, did you have any
10 conversations with Carla?

11 A. Not as I guess detailed as Salina or
12 Melissa.

13 Q. Okay. And then on Trahanas 114, Salina --
14 or no, I guess this is -- I don't know.

15 The dark bubbles is your stuff, your text,
16 right?

17 A. That would be correct.

18 Q. Okay. So you asked should I text Melissa?

19 A. Yes.

20 Q. Okay. And then that's the text that we
21 saw, right?

22 A. Correct.

23 Q. Okay. And then you asked Salina to let
24 Amy know, correct?

25 A. Correct.

1 D. Trahanas

2 Q. So there were some people that you did
3 want them to know the information?

4 A. I wanted her to -- I wanted Amy to know to
5 not be concerned because she had reached out to me,
6 but I didn't want to text everyone back. I
7 didn't -- the only person I texted back was Salina
8 and Melissa because I knew that they all knew that I
9 was close with Melissa that they would possibly go
10 to her to ask for information.

11 Q. So some people reached out to you to find
12 out if you were okay?

13 A. Yes.

14 Q. And Dr. Schwulst sent you a text message
15 asking you that same question, are you okay?

16 A. Yes.

17 Q. So it's possible that conversations in the
18 lab about your absence were out of concern?

19 MR. DeROSE: Objection to what's possible,
20 but you may answer.

21 THE WITNESS: It's possible.

22 BY MS. WERMUTH:

23 Q. Okay. In your Complaint, in
24 Paragraph 46 --

25 A. I'm sorry, can you tell me the exhibit

1 D. Trahanas

2 number?

3 Q. Yes. I have to look.

4 MR. DeROSE: You can get mine here too.

5 THE WITNESS: Is that it?

6 MR. DeROSE: I think it is.

7 MS. HARRIS: 25.

8 MS. WERMUTH: 25, I'm sorry. Thank you,
9 Danielle.

10 THE WITNESS: Okay. What number?

11 BY MS. WERMUTH:

12 Q. 46.

13 A. Okay.

14 Q. Okay. You say, "On several occasions
15 thereafter," and this is after supposedly
16 Dr. Schwulst shared confidential information -- by
17 the way, when did Dr. Schwulst supposedly share
18 confidential medical information about you? Is that
19 this set of text messages that you're referring to?

20 A. Oh, no. This was early on. Definitely by
21 the end of 2012, so at least by November-December of
22 2012.

23 Q. Okay. And had you already told some of
24 the other people in the lab about your ADHD,
25 depression and anxiety before he did?

1 D. Trahanas

2 A. No. He was the one that told -- he told
3 Rana, and Rana and Sasha were very close, so Rana
4 told Sasha.

5 Q. Wait. Were you present when Dr. Schwulst
6 told Rana supposedly?

7 A. No, but they came to me after.

8 Q. Who did?

9 A. Rana.

10 Q. Okay. So sometime in 2012 Rana came to
11 you and said what?

12 A. Something to the effect of, dude, why
13 didn't you tell me you were taking antidepressants,
14 and something to the effect of I guess it makes
15 sense that you work out that much.

16 Q. And why do you believe that she heard from
17 Dr. Schwulst about you taking antidepressants?

18 A. There would be nobody else for her to know
19 that from at that time.

20 Q. He's the only person that supposedly you
21 had told that to before she made that comment to
22 you?

23 A. Yes.

24 Q. Did you take your medication at work?

25 A. Yes.

1 D. Trahanas

2 Q. Is it possible she saw you taking the
3 medication at work?

4 A. Her desk is like two bays over. No.

5 Q. Okay. So you made an assumption that she
6 learned this information from Dr. Schwulst?

7 A. I can't say that it was an assumption
8 because there were other times where Rana would say,
9 dude, why didn't you take your meds, and she would
10 kind of ask Steve and be like, hey, Steve, did she
11 take her meds yet today?

12 So I don't think that that's assuming. I
13 think that that would be accurately inferring.

14 Q. Okay. So Paragraph 47, the comments that
15 you put in Paragraph 47 of your Complaint refer to
16 comments that Rana made; is that right? You say on
17 one occasion a certain co-worker told plaintiff --

18 A. Yes.

19 Q. So you're talking about the one occasion
20 where Rana said, dude, take your meds?

21 A. Yes.

22 Q. Okay. And that was not Dr. Schwulst who
23 said the things in Paragraph 47, correct?

24 A. No.

25 Q. Okay. And then in Paragraph 49 you say

1 D. Trahanas

2 that Dr. Schwulst and a co-worker yelled at you and
3 said Diane always screws something up and claimed
4 that you did not know how to complete experiments
5 and use the equipment.

6 Do you see that?

7 A. Yes.

8 Q. Okay. But that's not in reference -- I
9 mean that doesn't -- nothing about those statements
10 specifically and explicitly refers to any mental
11 health issues that you suffer from, right?

12 A. 47 does.

13 Q. I'm not asking you about 47. You already
14 told me 47 was said by Rana, so now I'm asking about
15 Paragraph 49.

16 The statement "Diane always screws
17 something up" doesn't explicitly refer to a
18 disability, correct?

19 MR. DeROSE: Well, Counsel, objection due
20 to the form of the question. "Always screws up" may
21 be talking about a mental disability.

22 MS. WERMUTH: Okay, no, no, no, you can't
23 answer. You're testifying now.

24 MR. DeROSE: You do what you want.

25 Go ahead, you may answer.

1 D. Trahanas

2 MS. WERMUTH: You really need to stop
3 this, John.

4 MR. DeROSE: You really need to stop
5 asking argumentative questions and you won't draw
6 these kind of objections. You have one assumption
7 of what those words mean. Everybody else in the
8 room might have another one.

9 MS. WERMUTH: I need you to stop, okay,
10 because your objections are speaking at length, and
11 they're giving the witness -- and it's clear by the
12 way that she answers after your long objections that
13 you're coaching her on how to answer.

14 MR. DeROSE: Counsel, I have sat her quiet
15 for about five hours. If you think this is
16 coaching, I'm sure you have lawyers that do much
17 more than you see happening today; and you can show
18 this to any federal judge you want and see what he
19 thinks about my behavior or she thinks about my
20 behavior in this room with you today.

21 So, please, I don't like those
22 corrections.

23 BY MS. WERMUTH:

24 Q. Ms. Trahanas, there's nothing in the
25 statement "Diane always screws something up" that

1 D. Trahanas

2 specifically refers to a disability, correct?

3 MR. DeROSE: Objection to the form. It
4 calls for a conclusion on the witness' part.

5 You may answer.

6 BY MS. WERMUTH:

7 Q. You can answer.

8 A. Firstly the tone of voice and the facial
9 expressions and body language of when these things
10 were being said, it's definitely possible that they
11 could be interpreted.

12 In terms of disability, are you including
13 any of the three that I'm being treated for or are
14 you including all three, because it's alluding to
15 the fact that I would work quickly, and so because
16 I'm kind of working quickly that I'm messing things
17 up or doing something wrong or not paying attention,
18 and so I would say that that speaks to my ADHD.

19 Q. So you interpreted "Diane always screws
20 something up" as a reference to your ADHD, just so
21 I'm clear?

22 A. I don't want to necessarily say interpret.
23 Like I said, it was the manner in which it was being
24 said and what I was doing at the time when these
25 things were being said.

1 D. Trahanas

2 Q. Okay. So -- strike that.

3 And you never complained to anyone in HR
4 that you felt like being yelled at for making
5 mistakes in your work was somehow related to what
6 you claimed to be a disability; is that right?

7 A. No, I did not. There's no way for me to
8 do that without getting hurt.

9 Q. Now, you claim that some of the co-workers
10 in the lab, not Dr. Schwulst but others, gave you
11 inaccurate scientific protocols --

12 A. Correct.

13 Q. -- for purposes of messing you up?

14 A. Yes, I agree with that.

15 Q. Okay. And who did that?

16 A. Rana and Sasha Alexander.

17 Q. Okay. And so Dr. Schwulst didn't do that?

18 A. No.

19 Q. Okay. Now, if they gave you inaccurate
20 protocols, that would interfere with your ability to
21 perform your job accurately; is that right?

22 A. Amongst other things.

23 Q. Well, it would also interfere with your
24 ability to perform the scientific research well,
25 right?

1 D. Trahanas

2 A. That's another thing. It wasted
3 Dr. Schwulst's money, wasted Dr. Perlman's money, it
4 wasted our time. It wasted us getting less results
5 that were accurate for us to publish more. I mean,
6 it really -- there's a lot of effects of that.

7 Q. Absolutely. And the effects were, as you
8 point out, not just negative on you in your personal
9 career but on Dr. Schwulst's career, correct?

10 A. Correct.

11 Q. Okay. So he presumably didn't approve of
12 such conduct, right?

13 MR. DeROSE: Objection to what someone
14 else does, but you may answer.

15 BY MS. WERMUTH:

16 Q. Let me ask it this way: You don't have
17 any reason to believe that he was involved in giving
18 you inaccurate protocols?

19 A. No.

20 Q. Right. Because that would be against his
21 own interests, right?

22 A. Correct.

23 Q. And you don't believe that Dr. Perlman was
24 involved in giving you incorrect protocols, right?

25 A. No, I don't believe they would purposely

1 D. Trahanas

2 do such a thing, Dr. Perlman and Dr. Schwulst that
3 is.

4 Q. You do think Sasha and Rana did it
5 intentionally though?

6 A. I don't think. I know.

7 Q. And did you report that to Dr. Schwulst?

8 A. Dr. Perlman knew.

9 Q. The question is, did you report it to
10 Dr. Schwulst?

11 A. I mentioned it to him in a very
12 lighthearted way so I wouldn't seem like I'm kind of
13 blaming other people, like basically I didn't want
14 him thinking what we just did for like four or six
15 months just was a big waste and it was my fault. I
16 was trying to kind of like cover my -- cover me but
17 also kind of let him know like, well, hey, sort of
18 this happened.

19 And I'm sure -- I'm not sure, but I would
20 assume Dr. Perlman did speak to him about it, but I
21 mentioned it in a lighthearted way in the lab one
22 day when he was back from service because at the
23 time that I found out he was on service and we had a
24 meeting with the entire Perlman lab, which I
25 attended regularly, and so that's when we found out

1 D. Trahanas

2 that I got the wrong cocktails or the wrong
3 protocol.

4 Q. Okay. And when was that?

5 A. The meeting or when I told Dr. Schwulst?
6 The meeting?

7 Q. Let's start with the meeting, yes.

8 A. It was in 2013. I know we sent e-mails
9 with my other lab members providing me with other
10 cocktails, so it was at that time. I can't recall
11 the exact date, but those e-mails are subsequently
12 after I found out during the lab meeting that they
13 were supplying me with the wrong stuff.

14 Q. So I'm confused. So the way that you got
15 the wrong protocol was by e-mail from Sasha or
16 e-mail from Rana?

17 A. It's possible, or they gave me a sheet
18 with like a cocktail mix. I mean, it's not a
19 protocol. It's just a cocktail.

20 Q. Like a recipe?

21 A. Yes, exactly.

22 Q. Okay. So you got one recipe or one set of
23 protocols from was it Rana or Sasha?

24 A. Both of them.

25 Q. Okay. At the same time?

1 D. Trahanas

2 A. So Sasha basically would review what Rana
3 would give me because he was just a little more --
4 he was kind of like the guru, the flow Joe or the
5 flow cytometry guru of the lab.

6 Q. And he's a Ph.D. scientist working on the
7 faculty or at least in an assistant or associate
8 professor position, and he gives you -- and he's --
9 is he an M.D. in addition to a Ph.D., do you know?

10 A. It's possible. He came here from Russia,
11 so I'm not sure if he was an M.D. there and is here.

12 Q. Okay.

13 A. I'm not sure.

14 Q. So you're telling me this individual
15 intentionally gave you a protocol that would both
16 interfere with Dr. Perlman's science and
17 Dr. Schwulst's science?

18 A. Yes.

19 Q. Okay. And you learned that it was the
20 wrong protocol because you attended a meeting and
21 learned that there was a different protocol that was
22 being used?

23 A. Correct.

24 Q. Okay. So now it wasn't -- it was like an
25 old protocol that he gave you, correct?

1 D. Trahanas

2 A. Yes.

3 Q. And he gave it to you by e-mail or
4 personally and handed you something?

5 A. I can't recall if it was a piece of paper
6 that I put in my lab notebook or if it was e-mailed.
7 It could be both.

8 Q. Okay. And you would agree with me as we
9 talked about earlier that protocols, as you refine
10 your science and your techniques, protocols change
11 over time, right?

12 A. Sure.

13 Q. Okay. They're constantly changing?

14 A. But they had already refined it at that
15 time.

16 Q. Okay. Is it possible he grabbed the wrong
17 one?

18 MR. DeROSE: Objection what's possible,
19 Counsel, calls for conjecture but --

20 MS. WERMUTH: Well, she said it was
21 intentional, so I'm trying to figure out --

22 MR. DeROSE: Wait a minute. I'm trying to
23 finish my record.

24 Objection to possible, calls for
25 conjecture on the witness' part, but you may answer

1 D. Trahanas

2 the question.

3 BY MS. WERMUTH:

4 Q. Thank you.

5 It's certainly possible that he
6 unintentionally gave you the old protocol?

7 A. He's a very meticulous guy, so it is
8 possible but highly unlikely.

9 Q. Okay. And this came out in a lab meeting?

10 A. Correct.

11 Q. Okay. And so this was one occasion; is
12 that right?

13 A. Yes.

14 Q. And this was in 2013?

15 A. Yes.

16 Q. Okay. And so during the lab meeting you
17 somehow came to learn that you were using an old
18 protocol?

19 A. Yes.

20 Q. Okay. And you mentioned that in the
21 meeting?

22 A. Yes.

23 Q. Okay. So there was discussion among
24 everybody in the meeting about what the right
25 protocol was?

1 D. Trahanas

2 A. Yes.

3 Q. Okay. And Dr. Perlman was there?

4 A. Yes.

5 Q. Dr. Schwulst was not there?

6 A. He was on clinic.

7 Q. Okay. And what did Dr. Perlman say?

8 A. He's like give her the new one. And

9 actually Dr. Spare, Angelica stuck up for me

10 because, I mean, I was still relatively new. I'm

11 one person, part of another big lab, Dr. Perlman's

12 lab. I mean, you can understand trying to be

13 diplomatic but also trying to kind of stick up for

14 yourself. It was really hard for me at the time.

15 But Dr. Spare, Angelica, stuck up for me. And right

16 before she basically yelled at Rana and Sasha

17 because they were laughing. They thought it was

18 kind of comical that I didn't get the right protocol

19 or I wasn't doing the right thing, like for some

20 reason I should have known that it was the old

21 cocktail and it wasn't the new one.

22 Q. Okay. So Dr. Spare yelled at them in the
23 meeting?

24 A. Yes.

25 Q. Okay. And Dr. Perlman said make sure

1 D. Trahanas

2 Diane gets the new protocol?

3 A. Yes.

4 Q. Okay. And then that was the last time
5 that that happened, like they didn't as far as you
6 know give you an outdated protocol after that?

7 A. As far as I know, no.

8 Q. Okay. How many times have you taken the
9 MCAT?

10 A. Five. Five.

11 (Exhibit 44 was marked for
12 identification.)

13 BY MS. WERMUTH:

14 Q. Okay. You produced, Ms. Trahanas,
15 Exhibit 44.

16 Can you tell me what this is?

17 A. This is the AMCAS report for my
18 application to medical school for the 2015 entering
19 class.

20 Q. Okay. So I have a few questions to ask
21 about this.

22 A. Sure.

23 Q. So it says in the upper left Report Date:
24 10/28/2014.

25 Do you see that?

1 D. Trahanas

2 A. Yes.

3 Q. Okay. And then so what does that mean?

4 So this is a -- you produced a report as it existed
5 on October 28th of 2014, right?

6 A. Yes.

7 Q. And then Submission Date, what does that
8 mean?

9 A. I'm not -- I'm really not sure.

10 Q. What does Processed Date mean?

11 A. It probably alludes to when they were done
12 reviewing the transcripts and all the information
13 within my report. By "they" I mean AMCAS.

14 Q. Okay. So can you print out the final
15 processed report?

16 A. This would be it because in October most
17 of -- most of the schools won't accept an AMCAS
18 report after that.

19 Q. Okay. But it doesn't -- so when was your
20 application for medical school for 2015
21 matriculation, when was it fully complete and
22 processed?

23 A. Before the 2 -- before this, before
24 Dr. Schwulst's letter, initial first letter.

25 Q. Oh, it was done?

1 D. Trahanas

2 A. Yes.

3 Q. So Dr. Schwulst's letters were not -- you
4 were not using them in connection with this
5 particular application?

6 A. Yes, that's separate from what I can do
7 for the application and finish. When you mean
8 finish, that's a separate -- that's not -- that's
9 part of my file. That's theoretically not part of
10 the application. The application would be like my
11 credentials. Part of my file would be the letters
12 of support.

13 Q. When does the whole file have to be
14 complete for purposes of being a candidate for
15 matriculation in 2015?

16 A. Each school varies.

17 Q. Okay. All right. So this is like your --
18 what I see here in Exhibit 44 is basically your
19 application, like the information that you entered?

20 A. Correct.

21 Q. Okay. So can you turn to the second page?
22 I'm sorry, it actually says Page 3. What's Page 1?
23 There's Page 1 missing.

24 A. I'm not sure. It may just be a title page
25 or something. This is all I have.

1 D. Trahanas

2 Q. Okay. And then Page 3 under Additional
3 Application Information, okay, it says -- I'm sorry.

4 So it says Previous Matriculation: No.

5 Does that mean you haven't gone to medical
6 school before?

7 A. Correct.

8 Q. Okay. So when it says Explanation of
9 Reapplication, that's not referring to reapplying to
10 medical school generally, right? That refers to --

11 A. Right.

12 Q. -- okay, that particular institution, if
13 you had been enrolled before?

14 A. Correct.

15 Q. Okay. Because you had applied to medical
16 school before this 2015 --

17 A. Cycle.

18 Q. -- application -- cycle? Thank you.

19 A. Yes.

20 Q. Okay. Now, you had asked Dr. Schwulst in
21 the summer of 2014 if you could have time off to
22 study to take the MCAT exam in September of 2014; is
23 that right?

24 A. Correct.

25 Q. And you took some time off to do that; is

1 D. Trahanas

2 that right?

3 A. I did.

4 Q. How long did you take off?

5 A. I can't specifically recall but probably
6 two weeks. I was working during that time though
7 like via e-mail and remote log-in, simple tasks.

8 Q. Can you mark that, please.

9 (Exhibit 45 was marked for
10 identification.)

11 BY MS. WERMUTH:

12 Q. So, Ms. Trahanas, Exhibit 45 is an e-mail
13 from you to Dr. Schwulst dated June 27th of 2014; is
14 that right?

15 A. Yes.

16 Q. Okay. And it's flagged as important.
17 Do you see that?

18 A. Yes.

19 Q. Okay. And in the middle, in the first
20 paragraph you tell him you've been trying to study
21 for the MCAT, but you were anxious and you would
22 like to take vacation time in August to prep for the
23 September testing.

24 Do you see that?

25 A. I do see that.

1 D. Trahanas

2 Q. Okay. So you took some time off then in
3 August to do that; is that right?

4 A. Correct.

5 Q. And you think it was a couple of weeks?

6 A. I believe so, yes.

7 Q. And you were paid for that time?

8 A. I believe it was part of probably my
9 vacation time pay.

10 Q. Okay. And did you leave the state during
11 the period of time that you were out in August of
12 2014?

13 A. No.

14 Q. Okay. Did you take the September MCAT
15 test?

16 A. I did not take it in 2014. I took it in
17 2015.

18 Q. Okay. So you did not take it in September
19 of 2014?

20 A. I did not.

21 Q. Do you remember telling Dr. Schwulst, when
22 he asked you how it went, do you remember telling
23 him it went okay?

24 A. Yes.

25 Q. So you lied to him?

1 D. Trahanas

2 A. I didn't lie to him. I just didn't want
3 to disappoint him.

4 Q. Well, you told him it went okay, but you
5 didn't even take it so you don't call that a lie?

6 MR. DeROSE: Objection, Counsel. Don't
7 answer that question.

8 BY MS. WERMUTH:

9 Q. You're not going to answer the question as
10 to whether or not telling somebody a test went well
11 that you didn't take is a lie?

12 MR. DeROSE: She's being instructed by her
13 lawyer not to answer it.

14 MS. WERMUTH: On what basis, sir?

15 MR. DeROSE: On the basis that that's
16 argumentative.

17 MS. WERMUTH: But that's not a basis to
18 instruct a witness not to answer a question.

19 MR. DeROSE: Don't answer the question.
20 I'll tell my client when I think a question is out
21 of line. I won't tell you everything about me
22 either. There's some things that are none of your
23 business.

24 MS. WERMUTH: So I can't call the court
25 right now, but I will take this up to the judge.

1 D. Trahanas

2 MR. DeROSE: Why don't you.

3 BY MS. WERMUTH:

4 Q. Okay. So are you going to follow your
5 lawyer's instruction?

6 MR. DeROSE: If you want to answer it, go
7 ahead.

8 See how well that plays in front of a jury
9 some day, Counsel.

10 Go ahead and answer it. Did you think you
11 were lying is what she wants to know.

12 THE WITNESS: I mean, did he specifically
13 say did you take the test, I don't remember. I
14 mean, do you think you would have done well, do you
15 think you did well, I don't remember specifically
16 what he asked me, but sure.

17 BY MS. WERMUTH:

18 Q. Ms. Trahanas, you told him it went well,
19 right? You told him it went well?

20 A. You said that I said it went okay.

21 Q. No, I didn't. But in any event, you told
22 him whether it went well or went okay, you told
23 him -- you led him to believe that you took the
24 test?

25 A. At that time, yes.

1 D. Trahanas

2 Q. Okay. Thank you. And so when, in fact,
3 did you take the test for the 2015 cycle?

4 A. September.

5 Q. Of what year?

6 A. Oh, I'm sorry, I took the test September
7 of 2015, so for the test for 2014 I just used one of
8 my older scores.

9 Q. Okay. And so you understand that every
10 time you take the MCAT test it gets reported to all
11 of the schools that you want to -- that you end up
12 applying to, right? Like you don't get to pick
13 which MCAT score gets reported?

14 A. Correct, but they go by the most recent
15 score.

16 Q. Who does?

17 A. The schools.

18 Q. Okay. And how do you know that?

19 A. I believe it states it on the AMCAS
20 website or the application process.

21 Q. So the school -- I'm sorry.

22 AMCAS reports every single MCAT score
23 you've ever received, right, at the time you apply?

24 A. Is that the same question you just asked
25 me?

1 D. Trahanas

2 Q. Well, I just want to make sure we're
3 saying the same thing.

4 So let me ask it. So let's look at
5 Exhibit 44 again.

6 A. Sure.

7 Q. Are you with me on Exhibit 44?

8 All right. And let's go to the -- it says
9 Page 8 or Trahanas 149.

10 A. Yes.

11 Q. Okay. And there are one, two, three, at
12 the bottom under MCAT test scores, there are one,
13 two, three, four, five, six entries, right?

14 A. Correct.

15 Q. All six of those entries obviously
16 appeared in your AMCAS report for the 2015 cycle?

17 A. On my AMCAS report, yes.

18 Q. Okay. And so all of those scores get
19 released to the schools that you're applying to?

20 A. I can't say that definitively.

21 Q. Okay. You just don't know?

22 A. They don't accept scores that are over
23 three years old, so anything post -- or pre 2011 for
24 that 2015 entering class, which the application
25 cycle starts 2014, they wouldn't accept any of those

1 D. Trahanas

2 test scores.

3 Q. Okay. But you did take it six times
4 between 2006 and 2011.

5 Do I understand that --

6 A. Yes.

7 Q. -- correctly?

8 And your composite total scores are in the
9 far right?

10 A. Yes.

11 Q. And there's a new scoring system now, but
12 at the time the scoring system was based on numbers
13 up to, what, 45, is that right, or higher? Yes, 45.

14 A. 45.

15 Q. Okay. And so a score of 21 puts you in
16 the bottom 30th percentile.

17 Does that sound right?

18 A. I would have to look at the curve that
19 they make. I'm not quite sure.

20 Q. Can you mark that, please.

21 (Exhibit 46 was marked for
22 identification.)

23 BY MS. WERMUTH:

24 Q. Okay. So this is an MCAT conversion chart
25 that I'll represent I pulled off the AMCAS website,

1 D. Trahanas

2 okay?

3 A. Okay.

4 Q. Okay. So if you look, there's the old
5 scoring with 44/45 at the top end. There's the 2015
6 scoring system, which I guess is when the conversion
7 happened.

8 Does that sound familiar to you?

9 A. I believe so, yes.

10 Q. Okay. And then there's a percentile,
11 corresponding percentile in the third column?

12 A. Yes.

13 Q. Do you see that? Okay.

14 So in 2011 your score was 21, right?

15 A. Yes.

16 Q. So that puts you down in the 24th to
17 27th percentile?

18 A. It does if you look at just that score.
19 If a school perhaps would take not the composite
20 score but your highest score from each date,
21 assuming that they would accept a prior date to
22 2011, the score could be different.

23 So I'm just not sure if every school, you
24 know, which schools would do something like that.

25 Q. Okay. But just to be clear --

1 D. Trahanas

2 A. For that score, yes.

3 Q. -- your composite score puts you in the
4 24th to 27th percentile?

5 A. Yes.

6 Q. Okay. But you don't know if a school
7 looked at a particular subset of the scores, right?
8 Is that your testimony?

9 A. Yes.

10 Q. Can you mark that, please.

11 (Exhibit 47 was marked for
12 identification.)

13 BY MS. WERMUTH:

14 Q. Okay. Ms. Trahanas, you've been given
15 Deposition Exhibit 47.

16 A. Yes.

17 Q. Okay. So these again also come off the
18 AMCAS website or AAMC website, and these relate to
19 the scores in 2011, which is the last time you took
20 the test, right?

21 A. Yes.

22 Q. Okay, as of October 2014.

23 And if you look at the second page, it
24 gives you also the percentage where you would fall
25 if you looked at each one of the individual exams,

1 D. Trahanas

2 okay.

3 So for physical sciences you got an 8,
4 which puts you somewhere in the 38th to
5 54th percentile, right, for that year; is that
6 right?

7 A. Yes.

8 Q. And then in verbal reasoning you got a 3,
9 which puts you in the 2 to 5 percentile, right?

10 A. Correct.

11 Q. And then in the writing sample you got an
12 M, which puts you in the 10 to 33 percentile, right?

13 A. I see scaled score on the right that says
14 25th percentile for M.

15 Q. All right. But do you see scaled score M
16 in the chart and then you go across for the
17 percentile rank range?

18 A. Sure.

19 Q. And you would agree with me there it says
20 10.9 to 32.5?

21 A. It does, but I'm not sure what the scaled
22 scores on the right are.

23 Q. Okay. Well, O is a better grade than M,
24 right?

25 A. Yeah, if I remember correctly, yes.

1 D. Trahanas

2 Q. And Q is a better score than O?

3 A. Yes.

4 Q. Okay. And then in biological sciences you
5 got a 10, right?

6 A. Yes.

7 Q. Which puts you in the 55 to 76 percentile,
8 right?

9 A. Yes.

10 Q. Okay. And in addition to -- you would
11 agree with me that your MCAT scores are not very
12 strong?

13 A. Standing alone, possibly not, but in the
14 entirety of my application I think they're okay.

15 Q. Do you know what the acceptance rate is
16 for a Caucasian applicant scoring a composite score
17 of 21? Was that your 2011 score?

18 A. Offhand I do not know.

19 Q. Okay. Can I have that marked, please.

20 (Exhibit 48 was marked for
21 identification.)

22 BY MS. WERMUTH:

23 Q. Okay. So according to this data that
24 again I pulled off the internet you had a total MCAT
25 score of 21 in the 2015 cycle.

1 D. Trahanas

2 A. 2014.

3 Q. Well, so this is two cycles, 2013 through
4 2016.

5 Do you see at the top?

6 A. Yes.

7 Q. Okay. And you look at the 21 to 23 score
8 range, right? The acceptance rate for someone with
9 a 3.8 to 4 is 11 percent, 3.6 to 8 is a 7 percent,
10 and so on, and then you get down to 3 to 3.19 and
11 that's a 4 percent acceptance rate.

12 Do you see that?

13 A. I see that on this sheet, yes.

14 Q. Okay. Now, you took the test again in
15 September of '15; is that right?

16 A. Correct.

17 Q. And did you apply -- you're in the midst
18 of applying for the -- no, I'm sorry.

19 So you took it in '15 for what cycle?

20 A. This cycle, 2017.

21 Q. Okay. So you're in the middle of an
22 application right now?

23 A. Correct.

24 Q. Have you also applied to physician
25 assistants' programs?

1 D. Trahanas

2 A. I looked at them, but I started their
3 application but I did not apply.

4 Q. And what was your score from the
5 September 2015 exam?

6 A. 498.

7 Q. Which according to Exhibit 46 puts you in
8 a, what, 41st percentile to 43rd percentile?

9 A. Yes.

10 Q. Okay. And it's your understanding that
11 although all of your MCAT scores over time get
12 reported in your AMCAS report each cycle, your
13 letters of reference do not carry over from cycle to
14 cycle. You understand that, right?

15 A. They are kept in a file, but they are not
16 in my AMCAS report for the subsequent year.

17 Q. Right. And so they don't get released to
18 schools, old reference letters don't get released to
19 schools in subsequent cycles?

20 A. Not for that cycle, but they do have it on
21 file. It stays in my file.

22 Q. AMCAS has it on file?

23 A. No, each school does. So once you apply,
24 they'll have to know -- if you're a re-applicant you
25 have to indicate it to them. So what they'll do is

1 D. Trahanas

2 they'll compare your previous year's application to
3 your new application, what's changed, what's
4 improved, et cetera.

5 Q. Did you apply in this current cycle to all
6 the same schools that you applied to in the 2015
7 cycle?

8 A. Not all schools.

9 Q. Okay. So -- can we mark this, please.

10 (Exhibit 49 was marked for
11 identification.)

12 BY MS. WERMUTH:

13 Q. So I also printed this off of the AAMC
14 website.

15 Can you look at the second page with me?

16 So this is an FAQ.

17 Do you see that?

18 A. Yes.

19 Q. Okay, Exhibit 49. And look at the FAQ on
20 the second page in the middle, do I need to submit
21 new letters of evaluation if I applied with AMCAS
22 previously.

23 Do you see that?

24 A. I do see that.

25 Q. And it says, "AMCAS does not keep letters

1 D. Trahanas

2 on file from applications in previous years. You
3 must resubmit letters of evaluation to AMCAS for
4 each application cycle you apply."

5 Do you see that?

6 A. I do.

7 Q. Okay. You don't have any reason to
8 believe that's not accurate?

9 A. I agreed with you before that that's true
10 for AMCAS, but that's not true for each school.

11 Q. Okay. But you said on the AMCAS website
12 is where you learned what each school does?

13 A. They have a -- I forget what the exact tab
14 is that kind of gives you a synopsis of each
15 school's GPA range, MCAT range, and a little tidbit
16 of each of the school's information.

17 So I don't remember what tab, but it is
18 there, yes.

19 Q. And according to that tab you can find
20 information about whether or not a school has kept
21 your old application and old letters on file?

22 A. I mean, I can't click on the tab, and the
23 school is not going to give me that information,
24 like it's not -- are you asking if the website gives
25 me that information?

1 D. Trahanas

2 Q. How do you know? So you've testified that
3 each school keeps old letters of recommendation if
4 you've reapplied.

5 How do you know that to be the case?

6 A. After speaking with all the previous
7 schools that I had called in 2015, and also I've
8 spoken to other faculty members at other medical
9 schools.

10 Q. Okay. So when did you -- so you called
11 the schools to which you were applying in the
12 current cycle to find out whether or not they would
13 keep old letters of evaluation on file?

14 A. The current cycle right now?

15 Q. Yes.

16 A. No. I did that in 2015.

17 Q. Okay. And you did that with every school
18 that you applied to?

19 A. Correct.

20 Q. Did you talk to every single school?

21 A. I believe it was maybe 12 of the 15
22 schools that I spoke with.

23 Q. And did every single one of those 12
24 schools tell you that, in fact, they were going to
25 keep those letters if you reapplied?

1 D. Trahanas

2 A. Not every but most. And they asked me to
3 explain in next year's cycle if I were to reapply to
4 give them an explanation of why that was the
5 previous year.

6 Q. And did you reapply to all the same
7 schools --

8 A. I did not.

9 Q. -- in the cycle?

10 A. I did not reapply that next cycle. I
11 didn't have any letters to submit to them.

12 Q. In the current cycle did you reapply to
13 the schools that you applied to in the 2015 cycle?

14 A. Some of them but not all of them.

15 Q. Okay. How many schools did you apply to
16 in the current cycle?

17 A. From the previous set or just in general?

18 Q. Total.

19 A. 15.

20 Q. Okay. And that's my next question then.
21 How many of those 15 had you applied to previously
22 in the 2015 cycle?

23 A. Four possibly.

24 Q. Okay. So at least 11 of the schools do
25 not have your old letters of recommendation?

1 D. Trahanas

2 A. Correct.

3 Q. Okay. And when do you expect to hear
4 from -- when are the decision dates typically?

5 A. Right now we're in the midst -- this is
6 like interview season, so starting January until
7 like April you'll be notified.

8 Q. Okay. All right. So I'm going to just
9 ask that I make sure that I get the 2017 cycle
10 application and know which schools she has applied
11 to, and then I'll ask to learn if you've been
12 accepted or rejected from any schools.

13 Okay. So was there -- so I'm assuming all
14 the schools that you applied to in 2015, none of
15 them accepted you, is that right --

16 A. Correct.

17 Q. -- in the 2015 cycle? Okay.

18 And you don't know if that was because of
19 your letters or if it was because of your MCAT
20 scores? You don't know the reason, you just get a
21 letter?

22 A. They don't give you a specific explanation
23 from each school with the letter, but it definitely
24 hurts you with a bad letter on there for sure.

25 Q. Did you save all of your notifications

1 D. Trahanas

2 from the medical schools in the 2015 cycle?

3 A. Oh, some e-mail, some just don't get back
4 to you. I don't remember. Or they may have mailed
5 the letters, but I can't recall where any of that
6 is. I mean, I don't --

7 Q. So you didn't do anything to preserve
8 those letters despite the allegations you have in
9 this particular litigation?

10 A. I can't recall for sure. It's possible
11 that I have marked them, but I don't know right now.

12 Q. Okay. So sticking with Exhibit 44 for
13 another minute, your application in the 2015
14 cycle -- is it 44? Yes.

15 Okay. So on Page 3, 4, 5, 6 and 7 you
16 have to enter all of your grades from your
17 undergraduate and Master's Degree program; is that
18 right?

19 A. Yes.

20 Q. Okay. And so these are grades that you
21 manually enter?

22 A. Yes.

23 Q. Okay. And so I see during your
24 undergraduate experience you had some Cs and even an
25 F in one of your classes; is that right?

1 D. Trahanas

2 A. That's correct.

3 Q. Okay. And the Cs and the one F are all in
4 hard science classes; is that right?

5 So let's just look at Page 3. You got a C
6 in General Chemistry I, correct?

7 A. Correct.

8 Q. You got a C in General Chemistry II,
9 correct?

10 A. Correct.

11 Q. You got a C on Page 4 on Intro to Physics?

12 A. Yes.

13 Q. You got a C in Organic Chemistry I, right?

14 A. Yes.

15 Q. You got an F in Organic Chemistry II?

16 A. Yes.

17 Q. Okay.

18 A. With a subsequent B grade.

19 Q. All right. So you retook that class?

20 A. Correct.

21 Q. But you still got the F?

22 A. For the first time.

23 Q. You had to report it?

24 A. Yes.

25 Q. And the next page, you got a C in Intro to

1 D. Trahanas

2 Physics II?

3 A. That's just a lecture. The lab I got a B.

4 Q. Okay. And then you got a C in ecology and
5 evolution?

6 A. Yes.

7 Q. Page 6, you got a C in vertebrate
8 embryology?

9 A. Yes.

10 Q. Okay. On Page 10 you list your
11 experience. This is a section where you're listing
12 your experience, correct?

13 A. Yes.

14 Q. Okay. And at the end, the last entry is
15 your job with Dr. Schwulst, right?

16 A. Correct.

17 Q. Okay. And you indicate that the
18 experience name was Northwestern University research
19 scientist and lab manager; is that right?

20 A. Correct.

21 Q. But, in fact, your title was Research
22 Technologist 2, correct?

23 A. My official title as my payment, yes, but
24 like I said earlier, I did -- I was the only person
25 that worked for him was the lab manager. There was

1 D. Trahanas

2 nobody else there.

3 Q. And are research scientist positions, are
4 those faculty positions at Northwestern University?

5 A. To my knowledge, as long as you're doing
6 research you're a scientist.

7 Q. So there isn't a separate non-tenure track
8 position for an academic at Northwestern University
9 called research scientist?

10 A. I'm not sure.

11 Q. And then on the next Page, 11, your job at
12 University of Chicago?

13 A. Yes.

14 Q. You testified earlier today that your job
15 title was Research Technologist 1?

16 A. Yes.

17 Q. But you put here that you were a lab
18 manager?

19 A. I was a lab manager.

20 Q. I thought you were a Research
21 Technologist 1.

22 A. Just like I was a research tech for
23 Dr. Schwulst, I was the same for doctor or for
24 Dr. Sokoloff.

25 Q. And would your employment records at

1 D. Trahanas

2 University of Chicago support that?

3 A. They would support the pay that I received
4 for tech.

5 Q. Tech 1?

6 A. Yes.

7 Q. At \$15 an hour?

8 A. Yes.

9 Q. Okay. Now, on February 19th of 2015 you
10 received a notice from AMCAS; is that right?

11 A. I'm sorry, am I looking at a specific
12 exhibit?

13 Q. No, I'm just asking you. December -- or
14 February 19th of 2015, you received an e-mail
15 notification from AMCAS?

16 A. Correct.

17 Q. Okay. And that notification or that
18 e-mail notified you that a letter of reference, a
19 second letter of evaluation or reference had been
20 submitted by Dr. Schwulst, right?

21 A. Yes.

22 Q. Okay. Now, previously Dr. Schwulst had
23 given you a letter of recommendation, right?

24 A. A positive letter of recommendation,
25 correct.

1 D. Trahanas

2 Q. Okay. And one that he even let you look
3 at and revise, right?

4 A. Yeah.

5 Q. Okay. And it was positive?

6 A. Yes.

7 Q. Okay. And you also got a letter of
8 recommendation from Dr. Perlman, right?

9 A. Yes.

10 Q. And that was a positive letter of
11 recommendation as well?

12 A. Correct.

13 Q. Okay. And you quote that letter in full
14 in your Complaint; is that right?

15 A. I believe so.

16 Q. Okay. And I'll just go ahead and have
17 these letters marked. I'll have this marked,
18 please.

19 (Exhibit 50 was marked for
20 identification.)

21 BY MS. WERMUTH:

22 Q. Okay. So Exhibit 50 is the first letter
23 of recommendation that Dr. Schwulst submitted to
24 AMCAS on your behalf; is that right?

25 A. That's correct.

1 D. Trahanas

2 Q. Okay. And then there's some handwriting
3 at the bottom.

4 Do you recognize that?

5 A. Yes, that's my handwriting.

6 Q. Okay. And when did you write that?

7 A. March of 2015.

8 Q. And what tells you that?

9 A. My memory.

10 Q. Okay. So there's nothing on the document
11 that tells you that?

12 A. No.

13 Q. Okay. You just recall doing that?

14 A. Correct.

15 Q. And were you -- where did you do that?

16 A. At home.

17 Q. Okay. Were you by yourself?

18 A. In my room, yes. I'm not sure if anybody
19 else was home.

20 Q. Okay. You weren't with your lawyer?

21 A. At this time, no.

22 Q. Okay. Can you just read what you wrote
23 because I want to make sure I understand it.

24 A. Original letter of recommendation. Only
25 letter given permission to Dr. Schwulst to upload.

1 D. Trahanas

2 Never spoke about any subsequent letters being
3 uploaded. Certainly not any letters
4 needing/permitted to be uploaded on February 19th,
5 comma, which defamed/nullified I want to say
6 anything in this letter above as soon as I took
7 medical leave.

8 Q. Okay. So now you asked Dr. Schwulst to be
9 an evaluator for you, right, for medical school?

10 A. Correct.

11 Q. Okay. And so as an applicant you don't
12 give permission or not, am I right, to upload
13 letters? What you do is you identify who your
14 evaluators are once you have asked them to be an
15 evaluator, right?

16 A. Well, by asking I believe that would be
17 under permission.

18 Q. Okay. So you gave Dr. Schwulst permission
19 to serve as your evaluator, right?

20 A. Right. My e-mail asked him to be a
21 positive letter of recommendation, which he agreed
22 to, and so did Dr. Perlman.

23 Q. But you asked him to be an evaluator for
24 you?

25 A. Correct.

1 D. Trahanas

2 Q. And he agreed to do that?

3 A. Yes.

4 Q. Okay. And you would agree with me that
5 applications -- that letters of evaluation for
6 applications to medical school -- well, strike that.

7 So physicians, folks with medical degrees,
8 have to abide by certain ethical codes, right?

9 A. Absolutely.

10 Q. Okay. And physicians and folks with
11 medical degrees have to abide by certain
12 professional standards, right?

13 A. Sure, first of which is do no harm to
14 somebody else.

15 Q. And so those standards also though require
16 then someone to be candid when they are performing
17 an evaluation of someone who is interested in
18 joining that select group of professionals, right?

19 A. Yes.

20 Q. And that candor that's required in that
21 process provides the best opportunity then for folks
22 who -- strike that.

23 And AMCAS will not -- AMCAS maintains
24 confidentiality over letters of evaluation.

25 You would agree with that?

1 D. Trahanas

2 A. To the applicant, yes. I'm not sure if
3 you waive, if you waive that if you are able to see
4 the letters. There's a choice to waive your right
5 to see the letters.

6 Q. Okay. And did you click the button saying
7 that you were waiving any right to see the letters?

8 A. More than likely.

9 Q. Okay. For all three of your evaluators?

10 A. Correct.

11 Q. In the 2015 cycle?

12 A. Correct.

13 Q. And, again, the purpose of that
14 confidentiality and waiving the right to review them
15 is to promote candor in the process, right?

16 A. I'm not --

17 Q. Is that your understanding?

18 A. I can't speak to that. I mean, my
19 experience is everyone knows, everyone sees the
20 letters anyway, and it doesn't really affect whether
21 you waive or you don't waive any school application.
22 It's not going to affect you negatively if you see a
23 letter.

24 Q. Okay. But my question is more about the
25 process. So AMCAS treats the letters as

1 D. Trahanas

2 confidential?

3 A. As long as you waive your right.

4 Q. As long as you waive that right. And the
5 purpose of that confidentiality is to promote candor
6 in the process?

7 MR. DeROSE: Objection, objection to
8 someone else's purpose. I don't see how -- calls
9 for conjecture on the witness' part.

10 But you may answer if you know.

11 THE WITNESS: I'm not entirely sure. It's
12 possible. But either way the person who uploads the
13 letter would not know if I have or have not waived
14 my right unless they exclusively asked me.

15 MS. WERMUTH: Can we have that marked,
16 please.

17 (Exhibit 51 was marked for
18 identification.)

19 BY MS. WERMUTH:

20 Q. Have you ever seen Deposition Exhibit 51
21 before?

22 A. If you had sent this to us, I'm sure I had
23 seen it at some point.

24 Q. Let me ask you this: You participated in
25 the medical application process that's administered

1 D. Trahanas

2 by AAMC, right? Or AMCAS, I'm sorry.

3 A. The application is on AMCAS. I'm not sure
4 exactly what AAMC is in affiliation with AMCAS. I
5 don't know if one owns the other or if they're the
6 same entity.

7 Q. Okay. But you know they're affiliated in
8 some respect?

9 A. Capacity, yes.

10 Q. And so you consented to use their
11 processes when you decided to apply through their
12 system, correct?

13 A. Sure. You can't apply if you don't.

14 Q. Okay. Did you ever read their bulletin on
15 maintaining the confidentiality of letters of
16 evaluation before today?

17 MR. DeROSE: She asked you a question.
18 Don't read it.

19 THE WITNESS: No.

20 BY MS. WERMUTH:

21 Q. Okay.

22 A. I can't recall any -- I wouldn't be able
23 to tell you anything that's on this page.

24 Q. Okay. You never read it before?

25 A. No.

1 D. Trahanas

2 Q. Okay. Can we get these two documents
3 marked, please.

4 (Exhibit 52 and Exhibit 53 were
5 marked for identification.)

6 BY MS. WERMUTH:

7 Q. Okay. So 52 is the letter that
8 Dr. Perlman wrote on your behalf and submitted to
9 AMCAS; is that right?

10 A. Yes.

11 Q. Okay. And then 53 is the letter that
12 Dr. Goldstein wrote on your behalf?

13 A. Correct.

14 Q. Okay. And had you -- had Debra Goldstein
15 shared with you a copy of the letter before she
16 submitted it?

17 A. Yes.

18 Q. Oh, she did?

19 A. Yes.

20 Q. Okay. And on the second page, the first
21 paragraph she refers to your composite MCAT score as
22 a negative in your application, right?

23 A. She says the only negative.

24 Q. Right, okay. And you don't find that
25 statement to be defamatory, that she calls your MCAT

1 D. Trahanas

2 score negative?

3 A. I wouldn't accuse her of being defamatory
4 with that statement, but she also told me that she
5 showed me the letter prior to her submitting it.

6 Q. Okay. So can you mark that, please.

7 (Exhibit 54 was marked for
8 identification.)

9 BY MS. WERMUTH:

10 Q. So Deposition Exhibit 54, on the first
11 page at the top that is a notice to you dated
12 February 19, 2015, that a letter of evaluation had
13 been submitted by Dr. Schwulst?

14 A. Correct.

15 Q. Okay. And after receiving that e-mail did
16 you contact Dr. Schwulst?

17 A. I did.

18 Q. Okay. And by what means did you contact
19 Dr. Schwulst?

20 A. E-mail.

21 Q. Okay. And what did you say to
22 Dr. Schwulst?

23 A. As it's -- do you want me to read what it
24 states here?

25 Q. It's on the first page as well, right?

1 D. Trahanas

2 A. Correct.

3 Q. All right. Now, you had told Dr. Schwulst
4 that you had not wanted to talk to him while you
5 were on leave; is that right?

6 A. Correct. Well, I was limiting
7 communications.

8 Q. Okay. And that you wanted communications
9 to go through human resources, right?

10 A. Correct.

11 Q. Okay. So you did not hear back personally
12 from Dr. Schwulst in response to this e-mail; is
13 that right?

14 A. Correct.

15 Q. Okay. Now, it looks like you blind carbon
16 copied Daina Fernandez and Heather Burke?

17 A. Correct.

18 Q. Okay. And did you communicate with them
19 after the fact?

20 A. I communicated with them -- I communicated
21 with Daina before I sent him this e-mail.

22 Q. Oh, before you sent it?

23 A. Yes.

24 Q. Okay. So when you first got the AMCAS
25 e-mail what was the first thing you did?

1 D. Trahanas

2 MR. DeROSE: Could I have 54? Do I have a
3 copy of it?

4 MS. WERMUTH: I thought I gave one over.
5 I don't have an extra floating around me, but we can
6 give you an extra one if you'd like.

7 MR. DeROSE: Would you, because I want it.
8 These are all marked.

9 THE WITNESS: I'm sorry, I had spoken to
10 her before I had written this e-mail and asked her
11 what I should do.

12 BY MS. WERMUTH:

13 Q. Okay. And was that a telephone
14 conversation?

15 A. It was.

16 Q. So you called her in her office?

17 A. Correct.

18 Q. And she answered the phone?

19 A. Yes.

20 Q. Okay. And you told her that you had
21 received this notification?

22 A. Yes.

23 Q. And you asked her what you should do?

24 A. Yes.

25 Q. Okay.

1 D. Trahanas

2 A. Where she instructed me to send him a
3 non-accusatory type of e-mail so I wouldn't, you
4 know, upset someone, and also to bcc her because she
5 didn't want to be seen on the thread because she
6 told me last time I got her involved he kind of
7 yelled at her. He yelled at her and was unhappy
8 that she was involved with the whole promotion
9 situation.

10 Q. So --

11 A. So I bcc'd her and Heather.

12 Q. I'm sorry, Daina Fernandez told you that
13 Dr. Schwulst had yelled at her about her involvement
14 in the pay and promotion question?

15 A. Correct.

16 Q. Okay. And so she said, you know, do a
17 non-accusatory e-mail to him?

18 A. Correct.

19 Q. Okay. And you followed her advice; is
20 that right?

21 A. I believe so.

22 Q. Okay. And you sent that to him the
23 following day on the 20th I see; is that right?

24 A. Yes.

25 Q. Okay. And then later that afternoon you

1 D. Trahanas

2 e-mailed Heather?

3 A. Yes.

4 Q. And that said that Dr. Schwulst may be
5 limiting communication with you as you had
6 requested, right?

7 A. Yes, that's what it says.

8 Q. Okay. But you wanted a response, so you
9 asked her to see to it that he replies to it?

10 A. I mean, it was an emergency, yes.

11 Q. Okay. And she responded of course I will
12 forward to him and ask that he reply at his earliest
13 convenience, right?

14 A. Yes, I see that.

15 Q. And at some point thereafter did you hear
16 back from -- and you thanked her, and then you
17 forwarded that communication to Daina, right --

18 A. Yes.

19 Q. -- Fernandez? Okay.

20 And then on page Trahanas 176 there's
21 another e-mail to you from the same day,
22 February 20th, from Heather saying I just wanted to
23 let you know that we are looking into this and will
24 follow up with you via e-mail sometime next week.

25 A. That's what it says.

1 D. Trahanas

2 Q. Okay. And did you get a subsequent e-mail
3 from Ms. Fernandez?

4 A. I got no subsequent communication with
5 anyone from Northwestern after that e-mail regarding
6 the letters.

7 Q. Okay. But you did get another
8 communication from AMCAS?

9 A. Correct.

10 Q. Okay. Indicating that Dr. Schwulst had
11 submitted a third letter; is that right?

12 A. Correct.

13 Q. Okay. And let me just get that marked.

14 (Exhibit 55 was marked for
15 identification.)

16 BY MS. WERMUTH:

17 Q. Looking at Deposition Exhibit 55, it was
18 Thursday, February 26th that you got notice from
19 AMCAS of a third letter from Dr. Schwulst; is that
20 right?

21 A. Yes.

22 Q. Okay. And by the way, I think, and we can
23 redact this, I'm just realizing now that there's a
24 lawyer, it looks like a lawyer e-mail here that you
25 produced that probably ought to be redacted.

1 D. Trahanas

2 MR. DeROSE: I will be referring to it in
3 the case.

4 MS. WERMUTH: You will be?

5 MR. DeROSE: Yes, ma'am.

6 MS. WERMUTH: So you're not claiming
7 privilege over this communication?

8 MR. DeROSE: I am not at all.

9 BY MS. WERMUTH:

10 Q. So you forwarded this to the lawyer who
11 was representing you at the time; is that right?

12 A. Yes.

13 Q. And you asked her when you can start
14 talking about lawsuit stuff?

15 A. Yes.

16 Q. Okay. And how did you come to know this
17 lawyer, Pamela Visvardis?

18 A. She's a family friend.

19 Q. Okay. And so at that point in time you
20 were thinking about filing a lawsuit against
21 Dr. Schwulst?

22 A. She gave -- it was possibly an option that
23 she gave me. I'm not sure exactly against who or
24 specifically what.

25 Q. Okay. And why did you switch counsel?

1 D. Trahanas

2 Why did you leave or why is Ms. Visvardis no longer
3 representing you?

4 A. This isn't her area of expertise.

5 Q. Okay. Now, ultimately you got copies of
6 the letters that Dr. Schwulst submitted, is that
7 right --

8 A. Yes.

9 Q. -- the two separate letters?

10 MR. DeROSE: And, Counsel, just so you
11 know, and if you want to inquire you can, I will be
12 using the letters that her lawyer sent and that
13 Dr. Schwulst's lawyer sent back to her.

14 MS. WERMUTH: Okay. So you're waiving any
15 privilege over any communications between
16 Ms. Trahanas and her lawyer, her prior lawyer?

17 MR. DeROSE: Correct.

18 MS. WERMUTH: Okay. Can we mark that,
19 please. Thank you.

20 (Exhibit 56 was marked for
21 identification.)

22 BY MS. WERMUTH:

23 Q. So you now have Deposition Exhibit 56.

24 Is that the second letter, as you
25 understand it, that Dr. Schwulst submitted?

1 D. Trahanas

2 A. As I understand it, yes.

3 Q. Okay. And as you understand it.

4 And he writes that he is formally

5 withdrawing his prior letter, correct?

6 A. Correct.

7 Q. And then he also writes, "I can no longer

8 support her candidacy for admission to medical

9 school," right?

10 A. Yes, that's stated.

11 Q. So he's providing his opinion to AMCAS in

12 this letter. Would you agree with that?

13 MR. DeROSE: Objection. There's no

14 indication of an opinion.

15 BY MS. WERMUTH:

16 Q. You can answer the question.

17 MR. DeROSE: If you see an answer, go

18 ahead.

19 THE WITNESS: I'm not sure what his -- I

20 can't speak for him.

21 BY MS. WERMUTH:

22 Q. That's not my question.

23 So let me ask you this: What statement in

24 here, if any, is a false statement of fact?

25 MR. DeROSE: Objection, calls for a

1 D. Trahanas

2 conclusion on the witness' part.

3 BY MS. WERMUTH:

4 Q. Do you see anything that's a false
5 statement of fact, a lie?

6 A. The entire thing.

7 Q. Well, he's saying he's formally
8 withdrawing his prior letter, right?

9 A. Correct, which would --

10 Q. That's not a lie. That's a statement that
11 he's making, I withdraw my reference.

12 A. He's withdrawing his reference based on
13 what?

14 Q. Okay. That's not my -- I'm asking
15 about -- so you've tried to state a claim for
16 defamation, okay?

17 A. Correct.

18 Q. So what I need to understand is the
19 admissions committee doesn't know based on what.
20 All they know is what he puts in the letter, right?

21 A. Right.

22 Q. Okay. So what he puts in the letter is
23 I'm writing to formally withdraw my letter of
24 support, right?

25 A. Meaning he's withdrawing everything that

1 D. Trahanas

2 he wrote in the previous letter.

3 Q. Okay. So that's not a lie.

4 MR. DeROSE: Well, Counsel, wait a minute.

5 This is not a law school test. Objection to asking

6 her to draw conclusions on what constitutes

7 defamation. I suggest to you all of these letters

8 taken together are what we are talking about.

9 MS. WERMUTH: Okay. Well, now you're
10 testifying, and that's improper.

11 MR. DeROSE: And I object, but you started
12 the area.

13 MS. WERMUTH: That's improper.

14 MR. DeROSE: So are your questions.

15 MS. WERMUTH: I'm asking her if she reads
16 this letter and sees a false statement of fact in
17 it. That's all I'm asking.

18 THE WITNESS: Yes.

19 BY MS. WERMUTH:

20 Q. Okay. And what false statement of fact do
21 you see? Read me the false statement.

22 A. "I'm writing to formally withdraw my prior
23 letter of reference for Ms. Diane Trahanas. I can
24 no longer support her candidacy for admission to
25 medical school."

1 D. Trahanas

2 Q. So you say the entire letter is a false
3 statement of fact?

4 A. He's withdrawing his prior letter, so he's
5 basically saying the prior letter was wrong, which
6 it was not.

7 Q. Do you know when he prepared Exhibit 56?

8 A. I do not. It is dated February 9th, which
9 I'm not sure as to the authenticity of that, but
10 it's dated February 9th on this.

11 Q. Okay. And you just don't know when he
12 prepared it?

13 A. Correct.

14 Q. Can we mark this, please.

15 (Exhibit 57 was marked for
16 identification.)

17 BY MS. WERMUTH:

18 Q. Okay. And Exhibit 57, that is a copy that
19 you received now of the third letter that
20 Dr. Schwulst submitted to AMCAS; is that right?

21 A. Correct.

22 Q. Okay. All right. Now, you have
23 complained that your access to information on the
24 computer was improper while you were on medical
25 leave?

1 D. Trahanas

2 A. Correct.

3 Q. Okay. And why do you contend that you
4 should have been provided with access to sensitive
5 research information while you were on medical
6 leave?

7 A. As far as I know in the handbook nothing
8 should have changed when I went to medical school.

9 Secondly, I took leave before and I was
10 allowed access to the same information. And
11 everything on that computer was in my head anyway,
12 so it's not sensitive in terms of it being
13 classified where I didn't know it.

14 Q. Okay. So if it's in your head, you don't
15 need access to the computer then; is that right?

16 A. Well, I'm just saying at some point I had
17 composed what was in that computer.

18 Q. And you didn't anticipate working while
19 you were on this medical leave in February 2017,
20 correct?

21 A. Not necessarily, but I had worked on prior
22 medical leaves or vacation days that I had taken
23 with e-mails or preparing graphs if we needed to
24 make a deadline for, you know, a specific
25 publication.

1 D. Trahanas

2 Q. Here's my question: Did you anticipate
3 working during the medical leave that you took in
4 February, starting in February 2017?

5 A. I was instructed by my physician to just
6 take a break.

7 Q. Okay. So you didn't need access to it
8 because you didn't anticipate working, correct?

9 A. I didn't need access for that reason, but
10 Ms. Burke asked me a few questions, and that's when
11 I needed that information.

12 Q. Okay. And those questions were about the
13 location of mice and certain information about where
14 data was being housed, right?

15 A. Well, the mice, I answered her that that
16 was just known, but yeah, anything data or file-wise
17 on the computer I hadn't memorized, so I would have
18 to take a look.

19 Q. And you had specific credentials, log-in
20 credentials that were unique to you, right, like
21 your user name and your password?

22 A. It was to our lab.

23 Q. So what was the user name?

24 A. It could have been Schwulst's lab; it
25 could have just been lab. I don't recall.

1 D. Trahanas

2 Q. Wasn't the user name your name?

3 A. It's possible.

4 Q. Okay.

5 A. I mean, I was the one that used that
6 computer most of the time, but Dr. Schwulst had the
7 password, the user name and password. I mean, it
8 was his computer. He purchased it.

9 Q. Okay. And he had it -- but they were your
10 credentials, right, that you had saved information
11 under? Is it your testimony then that you gave him
12 information about what your credentials were?

13 A. Yes. He needed to have it. I mean, he
14 needed to have that information. He had that
15 information on a Post-It note since a long time
16 before that February.

17 Q. Can you look at Exhibit 5, which is the
18 handbook.

19 MR. DeROSE: The big one.

20 MS. WERMUTH: One of the big ones but near
21 the bottom.

22 BY MS. WERMUTH:

23 Q. Now, you testified a minute ago that when
24 you go on a medical leave of absence at the
25 university nothing is supposed to change. Can you

1 D. Trahanas

2 tell me -- and you said that that was in the
3 handbook.

4 Can you tell me where in the handbook I
5 can find reference to that?

6 A. I would have to read -- do you want me to
7 read through the entire thing to find it? I can't
8 recall a page number right now.

9 Q. Well, why don't you go to the leave
10 section and tell me if you can find reference to
11 that.

12 A. What page?

13 Q. Let's see. Probably 31.

14 A. It could possibly be in the benefits
15 handbook and not in the staff handbook.

16 Q. There's nothing in the staff handbook that
17 says anything --

18 A. Not that I can see right now. I would
19 really have to look through the entirety of it.

20 Q. Okay.

21 (Exhibit 58 was marked for
22 identification.)

23 BY MS. WERMUTH:

24 Q. Okay. So this Exhibit 58 is a series of
25 e-mails between you and Heather Burke, right?

1 D. Trahanas

2 A. Yes.

3 Q. Okay. And the e-mail from Heather Burke
4 comes to you on February 19th at 3:45 p.m., right?

5 A. Yes.

6 Q. Okay. And she says that there are certain
7 things, information about the lab that she needs
8 help with and asks for some -- asks for your
9 response, right?

10 A. Yes.

11 Q. Okay. And you don't know if Dr. Schwulst
12 asked her for this information?

13 A. I don't know for a fact.

14 Q. Okay. Or if he did you don't know when he
15 asked her to find out this information?

16 A. Correct.

17 Q. All right. So for all you know it could
18 have been on February 17th that he asked her for
19 that information, but she didn't get around to
20 e-mailing you until the 19th?

21 A. It's possible.

22 Q. Okay. And you respond to each of the
23 questions.

24 So with number one you tell her where the
25 labs are and that they're labeled Steven -- where

1 D. Trahanas

2 the mice are, right?

3 A. Correct.

4 Q. And then you tell her what the computer
5 user name and password is?

6 A. Yes.

7 Q. Okay. And it's actually your user name,
8 Diane Trahanas, right?

9 A. Yes.

10 Q. Password NIKE, all caps?

11 A. Yes.

12 Q. And you said that it has been provided to
13 Dr. Schwulst now on a Post-It we placed on the back
14 of his lab desktop computer.

15 Do you see that?

16 A. Yes.

17 Q. So you had put that Post-It note on his
18 computer sometime prior, right?

19 A. We had put it there, yes.

20 Q. So you don't know if he remembered it was
21 there or not? You frankly don't know?

22 A. I can't speak for him.

23 Q. Okay. And then items 3 and 5, you say
24 that you've tried to access the computer but you are
25 now blocked from that access, right?

1 D. Trahanas

2 A. Correct.

3 Q. Okay. And then you answer question 6 as
4 well, right?

5 A. Yes.

6 Q. Okay. And then did you -- and then you
7 followed up on the computer issue with Daina
8 Fernandez as well; is that right?

9 A. Yes.

10 Q. Okay. And what did you want Daina
11 Fernandez to do, give you access to the computer
12 again?

13 A. I just wanted a reason as to why I've been
14 locked out of my work computer.

15 Q. Well, you were on a leave of absence with
16 no end date at that point in time; is that right?

17 A. I didn't know. Yeah, I didn't know when
18 I'd be returning exactly.

19 Q. Did Daina give you an answer on why you
20 were no longer being given access to your computer?

21 A. No.

22 Q. Okay. Did you speak with her by phone?

23 A. If it was not by phone it was by e-mail.

24 Q. And she didn't give you an explanation; is
25 that right?

1 D. Trahanas

2 A. No.

3 Q. And you went to the EEOC on June 28th of
4 2015 to look into filing a charge of discrimination;
5 is that right?

6 A. Yes.

7 Q. And did you go by yourself, or did you go
8 with somebody?

9 A. I went by myself.

10 Q. Okay. Were you represented by Mr. DeRose
11 at the time?

12 A. Yes.

13 Q. Okay. Can I mark that, please.

14 (Exhibit 59 was marked for
15 identification.)

16 BY MS. WERMUTH:

17 Q. Do you recognize Deposition Exhibit 59?

18 A. Yes.

19 Q. Okay. And is that your signature on the
20 last page of this exhibit?

21 A. Yes.

22 Q. Okay. And you filled out this form; is
23 that right?

24 A. Yes.

25 Q. Okay. And I notice on Page -- the first

1 D. Trahanas

2 page there's a question under your e-mail address,
3 it says, "Do you have a disability?"

4 Do you see that?

5 A. Yes.

6 Q. You answered the question "no"; is that
7 right?

8 A. I suppose.

9 Q. Well, there's an X in the "no" box, right?

10 A. There is an X in the "no" box.

11 Q. And you put the X in the "no" box?

12 A. I must have.

13 Q. Okay. And did you speak with an intake
14 coordinator that day?

15 A. I spoke to two -- I spoke -- I was there
16 twice. I can't remember who I spoke to first. I
17 mean, I can't recall as to each conversation and
18 what they were about.

19 MR. DeROSE: Counsel, are these from two
20 different cases by some reason?

21 MS. WERMUTH: I'm sorry?

22 MR. DeROSE: This is a three- or four-page
23 document.

24 MS. WERMUTH: Yes, sir.

25 MR. DeROSE: And they have the Trahanas

1 D. Trahanas

2 Bates stamp numbers on them, but the second, third
3 and fourth page, do they concern her? They're
4 blank.

5 MS. WERMUTH: Well, I'll ask your witness
6 that question.

7 BY MS. WERMUTH:

8 Q. Did you leave Pages 3 and -- the second,
9 third and fourth page blank except for your
10 signature on the fourth page?

11 A. That would make no sense. I mean --

12 MR. DeROSE: You know what --

13 THE WITNESS: -- why would I include my
14 demographic information but not include the reason
15 for going? So I don't know.

16 BY MS. WERMUTH:

17 Q. Well, you did sign the fourth page, right?

18 A. That's my signature, but as far as 2 and 3
19 should have been -- should have writing on it.

20 Q. Do you have a copy with writing?

21 A. Not that -- not that I know of.

22 Q. Okay. So these are records we subpoenaed
23 from the EEOC.

24 A. Okay.

25 Q. And when we got them from the EEOC we

1 D. Trahanas

2 produced them to your counsel, so I'm just producing
3 what the EEOC gave me.

4 MR. DeROSE: Counsel, I apologize to you.
5 If you look on the second page, it's only an
6 example, but it says discharged by John Soto in the
7 answer number 5, so I thought this was from another
8 case because I don't know a John Soto in our case.

9 I apologize to you.

10 BY MS. WERMUTH:

11 Q. Okay. But you're telling me you did
12 complete the second and third pages?

13 A. Like I said, I would -- I don't remember,
14 but I would think so. I mean --

15 Q. Can we get that marked, please.

16 (Exhibit 60 was marked for
17 identification.)

18 BY MS. WERMUTH:

19 Q. Okay. Ms. Trahanas, I know these are not
20 your notes. Again, I'll represent that these are
21 notes that we received from the EEOC. And I
22 shouldn't say we subpoenaed them. We did a FOIA
23 request for their records, so that's what I meant.

24 MR. DeROSE: Is this 58? What is this
25 exhibit?

1 D. Trahanas

2 THE WITNESS: 60.

3 MS. WERMUTH: This is 60.

4 MR. DeROSE: Excuse me.

5 BY MS. WERMUTH:

6 Q. So, you know, I'm not suggesting that
7 these are your notes, but these are notes from one
8 of the investigators related to it looks like a
9 telephone conference with you on July 7th.

10 So I'm going to ask you a couple questions
11 about these notes to see if it jogs your memory
12 about your conversation.

13 But do you remember having a telephone
14 conference with the EEOC July 7th of 2015?

15 A. It's possible. I don't fully recall it.

16 Q. Do you remember having a telephone
17 conversation with someone at the EEOC?

18 A. I can't say that my memory recalls it, but
19 if it's documented, I suppose that it happened.

20 Q. Okay. So if you look next to -- so you go
21 about almost halfway down, there's a big black
22 scratch-out.

23 Do you see that?

24 A. On the first page?

25 Q. Yeah.

1 D. Trahanas

2 A. Yes, like midsection?

3 Q. Yeah. So two lines above that it looks
4 like it reads "locked out of computer February" and
5 then there's a scribbly date, 2015.

6 Do you see that?

7 A. Yeah.

8 Q. Is that something you recall telling the
9 EEOC?

10 A. Yes.

11 Q. Okay. And then it goes on, it says, "PCP
12 released to return to work, comma, chose not to
13 return 5/24/15."

14 Do you remember telling the investigator
15 that?

16 A. Like I said, I vaguely remember this
17 entire conversation, but I'm not sure I specifically
18 said it like that.

19 Q. Okay. Well, go to the third page, if you
20 would, where it says 3 of 4 at the top, which is
21 also Bates labeled Trahanas-NU1635.

22 A. Okay.

23 Q. Again, halfway down it says, "PCP given
24 the option of filing a complaint."

25 Do you see that?

1 D. Trahanas

2 A. Yes.

3 Q. Okay. And right above that it says, "FMLA
4 was approved as of May 24th, 2015."

5 You told the investigator that, right?

6 A. It would seem so.

7 Q. And that's consistent with the records
8 we've seen already today, that you were approved --
9 FMLA approved through that date, correct?

10 A. The records from The Hartford, yes.

11 Q. Okay. And then it says, "After May 24th,
12 2015, PCP was cleared to return to work, but PCP
13 elected not to return to work."

14 Do you see that note?

15 A. Yes, I see that.

16 Q. Okay. And did you tell the investigator
17 that as well?

18 A. Not in those words.

19 Q. Well, what do you recall telling the
20 investigator?

21 A. I don't know the last time I used the word
22 "elected" or "elect." I mean, I -- I'm sure I told
23 him I didn't go back to work. I'm not sure as to
24 the exact phrase or conversation or --

25 Q. Okay. Can we get that marked.

1 D. Trahanas

2 (Exhibit 61 was marked for
3 identification.)

4 BY MS. WERMUTH:

5 Q. You've been handed Deposition Exhibit 61
6 now.

7 Do you recognize that letter?

8 A. Yes.

9 Q. Okay. And that was a letter approving a
10 family medical leave of absence in May of 2014; is
11 that right?

12 A. Yes. I thought you said May 24th, I'm
13 sorry.

14 Q. May of 2014?

15 A. Yes.

16 Q. Okay. And we talked about that earlier.
17 I just wanted to get the actual dates in the record,
18 okay?

19 A. Okay.

20 Q. You don't have any reason to dispute that
21 this was when you were on leave previously? It's
22 consistent with your memory; is that right?

23 A. I believe so, and there's e-mails between
24 I and Dr. Schwulst about my leave at the time, so
25 that could, you know, concur with this as well.

1 D. Trahanas

2 Q. Okay. But you did -- you had something
3 wrong with your ankle or foot; is that right?

4 A. Yes. I had severe ligament sprains. I
5 was in a boot, and I had a sprained wrist.

6 Q. Okay.

7 A. But I was working during that time via
8 remote log-in.

9 Q. Okay.

10 (Exhibit 62 was marked for
11 identification.)

12 BY MS. WERMUTH:

13 Q. Okay. You've been given Deposition
14 Exhibit 62 now, and again, I'm going to represent to
15 you that these are notes that we received from the
16 EEOC in connection with our FOIA request, but it
17 looks according to these notes that there was either
18 a conversation of some sort between you and the EEOC
19 on September 25th -- 24th, 2015.

20 Does that -- is that consistent with your
21 memory?

22 A. It's possible. I don't specifically
23 recall that date or --

24 Q. Okay.

25 A. Is this a meeting?

1 D. Trahanas

2 Q. Well, I'm asking you that. Again, these
3 are not your notes. I recognize these are documents
4 that we got from the EEOC. I'm wondering if this
5 helps you remember when you met with the EEOC.

6 A. It's possible this was my second meeting
7 that I was referring to earlier.

8 Q. Okay. All right. And then you did, in
9 fact, file a charge of discrimination with the EEOC
10 on that same date; is that right?

11 A. I would think that it was filed
12 June 28th of 2015, as reflected on Exhibit 59.

13 Q. Okay. We will mark your charge.

14 A. Okay.

15 (Exhibit 63 was marked for
16 identification.)

17 BY MS. WERMUTH:

18 Q. All right. So Deposition Exhibit 63 -- is
19 the charge marked 62? Which document is marked 63?

20 A. 62 is the charge.

21 Q. According to this, it looks like you filed
22 on September 24th, 2015; is that right?

23 A. Yes, received at the bottom I see.

24 Q. Okay. And that's your -- well, there's
25 your signature in the lower left --

1 D. Trahanas

2 A. Yes.

3 Q. -- right?

4 That is your signature, correct?

5 A. Yes.

6 Q. And September 24th, 2015, is the date next
7 to your signature, right?

8 A. Yes.

9 Q. And according to this charge, dates
10 discrimination took place, it's typed in there
11 5/24/2015 as the last date of discrimination; is
12 that right?

13 A. Yes.

14 Q. Okay. And you reviewed this before you
15 signed it; is that right?

16 A. More than likely I at least glanced at it,
17 yes.

18 Q. Okay. Well, you were declaring under
19 penalty of perjury that the above information was
20 true and correct?

21 A. Right.

22 Q. So you probably more than glanced at it?

23 A. Yeah.

24 Q. Okay. And there's some initials next
25 to -- there's like a handwritten change with the box

1 D. Trahanas

2 checked "Retaliation," and then there's initials
3 there.

4 Do you see that?

5 A. KH.

6 Q. Can you explain to me what that is?

7 A. I have no idea.

8 Q. Did you handwrite in the checkmark for
9 "Retaliation"?

10 A. I don't know what that stands for, and I
11 can't recall writing it. I would have no guess as
12 to what that is.

13 (Exhibit 64 was marked for
14 identification.)

15 BY MS. WERMUTH:

16 Q. Okay. And then Deposition Exhibit 64 is
17 your dismissal notice and right to sue letter; is
18 that right?

19 A. Yes, it is.

20 Q. And it's dated September 29th of 2015?

21 A. Correct.

22 Q. Okay. And there's a checkmark in the box
23 that says, "The EEOC issues the following
24 determination: Based upon its investigation, the
25 EEOC is unable to conclude that the information

1 D. Trahanas

2 obtained establishes violations of the statutes."

3 Do you see that?

4 A. I do see that checkmarked.

5 Q. Okay. And you received this dismissal
6 notice?

7 A. I'm sure I did.

8 Q. Okay.

9 A. So as I look at it right now, it's
10 probably Katarzyna who initialed the retaliation.

11 Q. Okay. And was that on there before --
12 Katarzyna Hammond is the investigator?

13 A. That would be my guess. I just saw KH,
14 and that's what I'm assuming. I don't know if
15 that's true or not.

16 Q. Okay. When you signed this, was that box
17 marked and were those initials there?

18 A. The X is mine. The KH, like I said, I
19 don't know if she did that with me in the room or
20 she did that after. I'm not sure.

21 Q. Wait. So you put the X in the box?

22 A. If I signed it I'm assuming that I filled
23 it out or helped fill it out.

24 Q. As you sit here right now, do you know
25 whether or not you put that X in the "Retaliation"

1 D. Trahanas

2 box?

3 A. No, I can't definitively say at this time
4 whether that's my X or not.

5 Q. Okay. And can you say at this moment
6 whether or not that X was there when you signed it
7 on September 24th, 2015?

8 A. At this moment I can't recall.

9 Q. I appreciate everybody's patience. Let's
10 see. I'm having trouble finding a document.

11 Mark that, please.

12 (Exhibit 65 was marked for
13 identification.)

14 BY MS. WERMUTH:

15 Q. You have now been handed what's been
16 marked Deposition Exhibit 65, which is a document
17 that you've produced to us.

18 There's handwriting on this document. Is
19 that your handwriting?

20 A. Yes.

21 Q. Okay. And what is this document?

22 A. This is a list of medical schools to which
23 AMCAS allows you to apply to.

24 Q. Okay. Can you tell me which of these
25 schools you applied to in the 2015 cycle?

1 D. Trahanas

2 A. They're listed in the interrogatories I'm
3 pretty sure. Right now I have to go through this
4 entire thing.

5 Q. Okay. So your Answers to Interrogatories
6 indicate which schools you applied to?

7 A. If not in the interrogatories, my
8 Complaint or somewhere else; they've been listed.

9 Q. Okay. You're right. Okay. So let me
10 just get your interrogatory answers, and we will cut
11 to the chase that way.

12 (Exhibit 66 was marked for
13 identification.)

14 BY MS. WERMUTH:

15 Q. Okay. So looking at Page 8 of Deposition
16 Exhibit 66 --

17 MR. DeROSE: Of the Second Amended
18 Complaint you mean?

19 MS. WERMUTH: Did I give you the Second
20 Amended Complaint?

21 THE WITNESS: Oh, yeah, this is --

22 MS. WERMUTH: I intended to mark the
23 Answers to Interrogatories.

24 BY MS. WERMUTH:

25 Q. Okay. So Page 8 of the Answers to

1 D. Trahanas

2 Interrogatories has your signature, right?

3 A. Yes.

4 Q. And that signature, you're certifying that
5 you're declaring under penalty of perjury that the
6 information in the Answers to Interrogatories is
7 accurate?

8 A. Correct.

9 Q. Okay. And so Interrogatory Number 16 has
10 you list -- you list all the schools that you
11 applied to in the 2015 cycle?

12 A. Correct.

13 Q. Okay. And which of those schools did you
14 also apply to in the more current, the current
15 cycle?

16 A. I would have to look.

17 Q. And you can look and let us know, correct?

18 A. I can give you one.

19 Q. Yeah, go ahead and give me which you know
20 for sure.

21 A. You know what, there's two Florida ones,
22 so I don't want to -- I don't want to misstate which
23 of the two. So if I could, I would just rather wait
24 to make sure that it's accurate.

25 MS. WERMUTH: Okay. And, John, you will

1 D. Trahanas

2 agree to produce the information about the current
3 cycle?

4 MR. DeROSE: Right. Will you tell me what
5 the exhibit number is that you're looking at?

6 MS. WERMUTH: It is 66.

7 MR. DeROSE: Thank you. You've got to
8 give it to me in a letter.

9 MS. WERMUTH: I will do that. We have a
10 lot of follow-up to do, absolutely.

11 MR. DeROSE: All right.

12 BY MS. WERMUTH:

13 Q. Okay. And then you also in your Complaint
14 indicate which schools you actually talked to about
15 the letters of evaluation submitted by Dr. Schwulst,
16 right?

17 A. Correct.

18 Q. And with some of those schools you have
19 information about who you spoke with and other
20 schools you just do not --

21 A. Correct.

22 Q. -- right?

23 And all of the people that you spoke with
24 you did by telephone, correct?

25 A. Yes.

1 D. Trahanas

2 Q. Okay. And all of those people -- do you
3 have the Complaint?

4 Okay. So do you want to get Exhibit 25 in
5 front of you, which is the Complaint.

6 MR. DeROSE: It would be a bigger
7 document.

8 THE WITNESS: Oh, yes.

9 BY MS. WERMUTH:

10 Q. Okay. And if you'd look at Page 23.

11 A. Yes.

12 Q. Okay. So, for example, in subpart A, you
13 spoke to someone named Kelly at Central Michigan
14 University, but you don't know Kelly's last name?

15 A. No.

16 Q. And you don't know Kelly's position?

17 A. Just an administrator I'm sure in the
18 dean's office.

19 Q. But you don't specifically know --

20 A. No.

21 Q. -- Kelly's position, correct?

22 A. No.

23 Q. And at FIU you spoke to an unidentified
24 female, correct?

25 A. Correct.

1 D. Trahanas

2 Q. And you don't know either the identity of
3 the individual or her position, correct?

4 A. Oftentimes they don't -- they won't
5 release that information, so correct, I don't
6 remember -- or I did not know or wasn't told.

7 Q. Okay. So the specific people that you --
8 so F is where you know somebody in specific,
9 Toni Sorrentino at Quinnipiac? I don't know how to
10 say that word.

11 A. Yes.

12 Q. And do you know what his position or her
13 position was?

14 A. She was an administrator in the dean's
15 office at that school.

16 Q. And how do you know that?

17 A. To my best -- to my knowledge, to my
18 memory.

19 Q. And the only other person you identified
20 is at Florida Atlantic University, someone who
21 identified himself as Eddie?

22 A. Yes.

23 Q. Okay. And you don't know what Eddie's
24 position was?

25 A. He answered the phone, so no. He

1 D. Trahanas

2 didn't -- he didn't tell me.

3 Q. After leaving Northwestern University, did
4 you begin looking for work?

5 A. Yes.

6 Q. Okay. You actually began looking for work
7 before you left Northwestern University, right?

8 A. I began looking for work while I was
9 employed, while I was Dr. Schwulst's research tech
10 because of how stressed I was.

11 Q. And in 2015 after you actually left the
12 university you did get an interview with another lab
13 at Northwestern University; is that right?

14 A. Yes.

15 Q. Okay. Who did you interview with?

16 A. I don't remember their name.

17 Q. Do you remember whose lab you were
18 applying to?

19 A. I can try and look at the website and see
20 if a name sticks out at Northwestern, but right now
21 I don't recall as I sit here.

22 Q. And you have no reason to believe that
23 Dr. Schwulst was involved in any way with your
24 application to that particular lab with which you
25 got an interview; is that right?

1 D. Trahanas

2 A. I would have no way of knowing that.

3 (Exhibit 67 was marked for
4 identification.)

5 BY MS. WERMUTH:

6 Q. Okay. Ms. Trahanas, can you tell me what
7 Deposition Exhibit 67 is?

8 A. It's titled Northwestern Application
9 Summary.

10 Q. Right. Well, you produced this to us, so
11 I'd like to know what this is.

12 A. I believe when -- in your interrogatories
13 you requested for proof of -- proof of searching for
14 work. I can't remember specifically which
15 interrogatory. But I remembered applying at
16 Northwestern's jobs, and so I went into my
17 Northwestern account and found this.

18 Q. Okay. And so these were -- this shows
19 three jobs that you applied for at Northwestern
20 University?

21 A. Yes.

22 Q. Can you tell when you applied for those
23 jobs?

24 A. I can't -- I can't -- I don't remember.

25 Q. Was it before you left the university or

1 D. Trahanas

2 after you left the university?

3 A. Well, if we look at the job ID number with
4 the job ID numbers that you guys gave us -- I'm
5 sorry, not guys but Northwestern provided us with,
6 I'm sure I'd be able to tell you. It says which
7 date -- which job coincides with which date.

8 Q. Okay. Did you apply for more than three
9 jobs?

10 A. At Northwestern?

11 Q. Yes.

12 A. After I was terminate -- or you're saying
13 in 2015 or throughout?

14 Q. Well, let's start with after you left the
15 university.

16 A. Yes.

17 Q. How many did you apply for at
18 Northwestern?

19 A. I can't give you an exact number.

20 Q. Okay.

21 A. More than 20.

22 Q. More than 20 jobs at Northwestern
23 University?

24 A. I believe so, yes.

25 Q. Are you sure about that?

1 D. Trahanas

2 A. Like I said, I can't give you a number for
3 certain.

4 Q. Would the job log that we produced, is
5 that consistent with your memory of how many jobs
6 you applied for?

7 A. I know that we also gave you a job log
8 from the employment office for which there were lots
9 of applications to Northwestern, so it wasn't just
10 only in Northwestern's job log. It was also my
11 unemployment log that we supplied.

12 (Exhibit 68 was marked for
13 identification.)

14 BY MS. WERMUTH:

15 Q. Just so I know what that is, can you tell
16 me what this document is, Exhibit 68?

17 A. These are my notes.

18 Q. These are the notes of the conversations
19 with the folks at the medical schools to which you
20 applied that are referenced in the Complaint that we
21 just looked at?

22 A. Correct.

23 Q. Okay. And were those notes all taken the
24 same day?

25 A. Yes. They were with each phone call.

1 D. Trahanas

2 Q. Okay. But so did you sit down on one day
3 and make all of these phone calls?

4 A. To the best of my recollection, all of
5 these phone calls were made in one day.

6 Q. And when did you make these phone calls?
7 There's no date on the document.

8 A. From what I can remember, it was mid
9 March, maybe end of March.

10 Q. 2015?

11 A. Correct.

12 Q. Okay.

13 (Exhibit 69 was marked for
14 identification.)

15 BY MS. WERMUTH:

16 Q. Can you tell me what Deposition Exhibit 69
17 is?

18 A. It's a copy of my -- a version of my CV.

19 Q. Okay. And is this a current version?

20 A. Well, the margins and stuff have changed,
21 so no. I'm sure I've fixed that. And I would --
22 it's -- I can update -- it's been updated. There's
23 several updates to this.

24 Q. Did you use this particular resumię½ to
25 apply for any jobs after you left Northwestern

1 D. Trahanas

2 University?

3 A. To those jobs that I sent you for the
4 interrogatories, yes.

5 Q. Okay. So when I look at research
6 experience on the first page, I see that from 2012
7 to 2015 you have yourself listed as a research
8 scientist and a lab manager --

9 A. Yes.

10 Q. -- at Northwestern, right?

11 A. Yes.

12 Q. Even though your title was Research
13 Technologist 2?

14 A. My title was. My job wasn't.

15 Q. Okay. And then from 2011 to 2012 you have
16 yourself listed as both a lab manager and a senior
17 research technologist at the University of Chicago.

18 Do you see that?

19 A. Yes.

20 Q. But your title at the University of
21 Chicago was Research Technologist 1?

22 A. Yes, but my duties were everything.

23 Q. But you did not have the title senior
24 research technologist?

25 A. I didn't have -- no.

1 D. Trahanas

2 Q. Okay. Can I get that marked.

3 (Exhibit 70 was marked for
4 identification.)

5 BY MS. WERMUTH:

6 Q. Can you tell me what this exhibit is?

7 MR. DeROSE: This is 70, Counsel?

8 MS. WERMUTH: Yes.

9 THE WITNESS: This is a resumē½ format of
10 my CV.

11 BY MS. WERMUTH:

12 Q. Okay. And is this a resumē½ that you're
13 using in your job search or have used in your job
14 search since leaving Northwestern University?

15 A. Yes.

16 Q. Okay. And, again, at Northwestern you
17 describe your position as being research scientist
18 and lab manager; is that right?

19 A. Yes.

20 Q. Okay. At University of Chicago you
21 describe your position as being lab manager and
22 researcher?

23 A. Yes.

24 Q. Okay. And are you currently using
25 Deposition Exhibit 70 in your job search now?

1 D. Trahanas

2 A. It's been updated with my other
3 publications. I've had subsequent publications, so
4 it's been updated.

5 Q. When did you update it?

6 A. 2016 possibly, end of 2015.

7 Q. Is there any reason why you didn't give us
8 your updated version?

9 A. Not specifically. I mean, I may have
10 labeled this just resume, and so this is the one
11 copy that I thought was it. But I can certainly
12 give you the -- if there is an updated one or if I
13 did change anything.

14 Q. And the subsequent publications that you
15 referred to are the ones, are the publications that
16 came out of the work that you did in Dr. Schwulst's
17 lab?

18 A. That's one, and another is from my work at
19 Northern Illinois University.

20 Q. Which that work preceded the period of
21 time that you were in Dr. Schwulst's lab; is that
22 right?

23 A. Yes.

24 Q. But the publication came out after?

25 A. Yes.

1 D. Trahanas

2 Q. After 2015?

3 A. I believe it's 2017.

4 Q. Oh, did you continue to work on the
5 manuscript between 2015 and 2017?

6 A. Not experiment wise, but in terms of
7 reviewing the article, yes.

8 Q. Okay. But you weren't doing the
9 underlying research?

10 A. No.

11 (Exhibit 71 was marked for
12 identification.)

13 BY MS. WERMUTH:

14 Q. You have been given Deposition Exhibit 71.
15 What do you recognize that document to be?

16 A. An updated version of my CV.

17 Q. Okay. And does it differ in any -- well,
18 we can figure out if it differs.

19 Is this the one that you're currently
20 using in your job search?

21 A. Yes.

22 (Group Exhibit 72 was marked for
23 identification.)

24 BY MS. WERMUTH:

25 Q. Okay. Do you recognize Deposition

1 D. Trahanas

2 Exhibit 72? I can call this a group one.

3 It's a series of cover letters; is that
4 right?

5 A. Yes.

6 Q. Okay. And what are the dates on these
7 letters? I can't tell. Can you tell?

8 A. No. I mean, they're not written on the
9 sheet of paper. I'm trying to see if I can remember
10 what dates they were sent out.

11 No, they're not written.

12 Q. Did you get any of these jobs or were you
13 offered any of these jobs?

14 A. No.

15 Q. Okay. Have you been offered a job that
16 you've declined since being -- since leaving
17 Northwestern University?

18 A. Recently, yes.

19 Q. Okay. And what was that job?

20 A. It was a sales position, something to do
21 with solar energy from what I understood it. It's a
22 newer company.

23 Q. And you declined the offer?

24 A. It seemed like a sketchy place, so I
25 didn't trust them, so yeah. They didn't offer me --

1 D. Trahanas

2 they invited me for a second interview, and I
3 declined the second interview.

4 Q. And are there documents -- wait. I
5 thought you said they offered you a job.

6 A. I meant like an interview.

7 Q. Okay. So here's my question. Let me go
8 back to my question.

9 A. Okay.

10 Q. Is there any job or position that you've
11 been offered since leaving Northwestern University
12 that you have declined?

13 A. No.

14 Q. Okay. Can we get this marked, please.

15 (Exhibit 73 was marked for
16 identification.)

17 BY MS. WERMUTH:

18 Q. You've now been handed Deposition
19 Exhibit 73.

20 Is this the job search log that you were
21 referring to previously?

22 A. Yes, the unemployment search log, I
23 believe so.

24 Q. Okay. So you kept records it looks like
25 from July of 2015 to October of 2015.

1 D. Trahanas

2 Why did you stop keeping records of your
3 job search activities?

4 A. This was via the unemployment website, so
5 I -- after unemployment ends you're no longer
6 granted access.

7 Q. Well, how many months of unemployment did
8 you receive?

9 A. I can't say. I can't say precisely. I
10 don't know.

11 Q. Okay. And are there any other documents
12 other than this job log that show that you applied
13 for these jobs, cover letters, communications with
14 these employers, any other documents that you have
15 that you haven't produced as it relates to these
16 jobs?

17 A. I mean, some of the cover letters, I would
18 have to look and see if some of these are this.

19 Q. So other than the four cover letters that
20 we looked at --

21 A. Correct.

22 Q. -- are there any other documents?

23 A. There might be, or I wrote over these
24 because they're relatively all very similar, so
25 either as I went I would just alter the title and

1 D. Trahanas

2 the position and the company.

3 And so I wouldn't have like let's say 150,
4 or I'm not sure how many jobs are in here, I
5 wouldn't have like 160 versions of a cover letter.

6 I would just replace, like I said, the position and
7 the institution that I was applying to more or less.

8 Q. Did you keep records after October 27th of
9 2015 about any of the jobs that you applied for?

10 A. I'm sure there are records, but I would
11 have to Google probably any company that's bio
12 related within a 100-mile radius and check with each
13 website to conclude if yes or no.

14 Q. That's not my question. So my question
15 is, did you retain any documents related to your job
16 search after the date of this log, October 25th --
17 October 27th, 2015?

18 A. Unless I -- they sent me an e-mail
19 confirming my job application, I don't have other
20 like -- I never made like an Excel file or list like
21 this. That would be the only records I would have.

22 Q. Well, let's say you applied online. Would
23 you have printed a copy for purposes of this
24 litigation of the online application before
25 submitting it?

1 D. Trahanas

2 A. From 2015?

3 Q. From 2015 to the present.

4 A. I haven't printed it out, no.

5 Q. Okay.

6 A. Like I said, I would have to go back to
7 each place and check and see if I did apply that
8 year or when I did or if I did. There's like a
9 thousand companies.

10 Q. You're telling me you applied to a
11 thousand companies?

12 A. No, I'm just saying there are a thousand.
13 I don't remember right as I sit here which ones I
14 applied to one position or ten positions or none.

15 Q. Okay. So you can't tell us how many
16 companies -- after the date of this log, you can't
17 tell us exactly where you applied, how many
18 applications you made, and what the results of those
19 applications were?

20 A. As I sit here, not accurately.

21 Q. And you didn't search your e-mails for any
22 confirmation e-mails from prospective employers, you
23 didn't -- in connection with answering the requests
24 for production in this case?

25 A. I did search, but, I mean, with promotions

1 D. Trahanas

2 and, I mean, any type of search that you do on
3 Gmail, if you type in "job" in the Gmail account,
4 it's going to have like 14,000 e-mails. So to the
5 best that I could, yeah, I provided you with
6 everything I could.

7 Q. So the only e-mails that I -- and I don't
8 even know if these are e-mails -- that I got from
9 you showing job search efforts, I'll present them to
10 you.

11 A. For the record we also did state it's
12 ongoing.

13 Q. So you have an obligation ongoing to
14 preserve all the records related to your job search
15 efforts, right? You understand that, right?

16 A. From the time that -- the interrogatories,
17 yes.

18 Q. No, from the time that you go to the EEOC,
19 right?

20 MR. DeROSE: No, Counsel, I don't know
21 that that's true. We will give you anything we get
22 from the day we give you our discovery onward.
23 No -- I don't know of the requirement at the EEOC.

24 MS. WERMUTH: Certainly at the date of the
25 Complaint.

1 D. Trahanas

2 MR. DeROSE: The filing of the Complaint
3 we are preserving things. We're not throwing
4 anything out. You can rest assured of that. And
5 you've gotten volumes, as you know.

6 MS. WERMUTH: But I've not gotten job
7 search records other than this log and the four
8 cover letters and the two e-mails that I'm going
9 to -- I don't know if they're e-mails, but let's
10 mark this, please. Thank you.

11 (Exhibit 74 was marked for
12 identification.)

13 BY MS. WERMUTH:

14 Q. Okay. Deposition Exhibit 74, it looks
15 like you had an e-mail communication in July of 2015
16 with Elspeth Morrison Beauchamp, a post-doctoral
17 fellow in somebody's lab.

18 A. This was a -- sorry.

19 Q. Go ahead.

20 A. This was the job I was -- that you had
21 asked me earlier about that I was referring to at
22 Northwestern with the interview.

23 Q. Okay. And it looks like you set something
24 up for July 30th at 1:30.

25 Did that interview actually take place?

1 D. Trahanas

2 A. Yes, to the best of my knowledge. I would
3 have no reason to think otherwise.

4 Q. You don't recall interviewing at
5 Northwestern University a month after leaving, two
6 months after leaving?

7 A. I mean, there were a million things going
8 on at that time. I can't say for certain. I mean,
9 I set it up, so I would have no reason to believe I
10 wouldn't go.

11 Q. Do you keep an electronic calendar?

12 A. No.

13 Q. In 2015 did you keep an electronic
14 calendar?

15 A. No.

16 Q. So you don't use the Gmail calendar
17 function?

18 A. No. It doesn't -- I don't -- I don't like
19 it, no.

20 Q. Do you keep a paper calendar?

21 A. No.

22 Q. You just remember your appointments in
23 your head?

24 A. Yes.

25 Q. Can I get that marked, please.

1 D. Trahanas

2 (Exhibit 75 was marked for
3 identification.)

4 MR. DeROSE: Wait a minute, I want to go
5 on the record. We have taken one break in the
6 morning session for about five minutes before we
7 took a half hour lunch; and then the afternoon
8 session we've probably taken a five-minute break.

9 So whatever time it is, I'm going to look
10 for a similar courtesy --

11 MS. WERMUTH: I understand.

12 MR. DeROSE: -- when I depose your
13 witnesses.

14 MS. WERMUTH: I understand. I do
15 appreciate that.

16 MR. DeROSE: I don't want you to make
17 light of how my -- maybe at the end of the dep I'd
18 like to agree on how much time we spent today in the
19 dep.

20 MS. WERMUTH: Okay.

21 BY MS. WERMUTH:

22 Q. Okay. This is the only other e-mail that
23 I saw related to some sort of job search efforts,
24 although I can't -- I can't tell if you actually
25 sent in a resume or not.

1 D. Trahanas

2 Do you know?

3 A. Is your copy clearer? Because I'm not
4 sure if that's --

5 Q. No.

6 A. Okay.

7 Q. I can't read it at all.

8 A. Okay.

9 Q. Can you tell me the date on that?

10 A. In the middle where I respond hello Anne,
11 it looks like it says something 2016. I don't know
12 what month and day that is. But that's the most I
13 can make out from this copy. I can't recall if I
14 sent a CV or resumé or followed up.

15 Q. Okay. Okay. You're currently working at
16 a dental office?

17 A. Yes.

18 Q. How many hours a week?

19 A. It's intermittent.

20 Q. What's your rate?

21 A. 15 an hour.

22 Q. When did you start working there?

23 A. 2016, fall of 2016.

24 Q. And on average how many hours a week do
25 you work?

1 D. Trahanas

2 A. Like I said, it's intermittent; so if
3 there's other people in the dental office that are
4 gone, I fill in for them.

5 Q. It's literally just a fill-in job?

6 A. At one point in time it was for six, seven
7 months, and then subsequently it's intermittently.

8 Q. Okay. And why did the number of hours --
9 or why did it become an intermittent job? Was that
10 your choice?

11 A. Yeah. I mean, if I can go she would love
12 me to go. It's just I had -- it was at the time I
13 was taking classes or perhaps I was shadowing
14 another doctor, so I had to make time to ensure that
15 I was fulfilling shadowing hours or observation.

16 Q. Okay. And you were doing those shadow
17 hours and observation for purposes of your medical
18 school application?

19 A. Correct.

20 Q. Okay. And when did you start doing
21 shadowing and observations?

22 A. 2016 towards the end, maybe the beginning
23 of -- towards the end of 2016.

24 Q. Okay. So by deciding to focus on getting
25 into medical school and doing that shadowing, that

1 D. Trahanas

2 interfered with your ability to get full-time
3 employment, would you -- or to work full-time?

4 A. No. The position, that position didn't
5 have a full-time position. She has three people
6 that work in the office, who some -- because each
7 specific day that one of us goes someone handles
8 only like errands or ordering. Sometimes, you know,
9 I'll do finances.

10 Q. I think you're going a little bit beyond
11 the question, so let me ask you this: Are you still
12 currently looking for full-time employment?

13 A. Yes.

14 Q. In late 2016 were you looking for
15 full-time employment?

16 A. Yes.

17 Q. Okay. But I thought you just testified
18 that you couldn't work more hours at the dental
19 office because you were spending time in class and
20 doing observations?

21 A. I didn't -- I didn't say more hours. The
22 days that she's open and the times are very
23 specific. So those specific hours of operation,
24 like I said, some days she needed me one day and
25 that week I would be in class perhaps.

1 D. Trahanas

2 Q. When is the last time you made an
3 application for full-time employment?

4 A. Oh, three weeks ago, two weeks ago.

5 Q. And you have those documents to give your
6 lawyer?

7 A. I can give it to -- I can give it to him,
8 yes.

9 Q. And who is that employer that you applied
10 with?

11 A. It's multiple.

12 Q. Three weeks ago?

13 A. Yes.

14 Q. How many?

15 A. At least ten.

16 Q. All on the same day?

17 A. The same week.

18 Q. Are you driving for Uber?

19 A. I do.

20 Q. How frequently?

21 A. It depends on -- it depends on multiple
22 factors and time of day, you know, demand. There's
23 certain times that Uber would prefer drivers, and
24 they have certain promotions to have you fulfill.

25 Q. When did you start driving for Uber?

1 D. Trahanas

2 A. February of 2017.

3 Q. And you're also a soccer coach?

4 A. Yes.

5 Q. And, I'm sorry, do you get a 1099 from
6 Uber?

7 A. I'm not sure. It's my first year, so I'll
8 find out I guess in the next couple weeks.

9 Q. Okay. So I'll ask for a couple of the
10 1099 and the W-2s from the dental office.

11 What about the soccer coaching, what's
12 your pay rate for that?

13 A. There's two different clubs.

14 Q. Okay.

15 A. So one is \$50 an hour, the other is 60.

16 Q. And how many hours a week -- \$60 an hour?

17 A. Yes.

18 Q. How many hours a week do you work at those
19 jobs?

20 A. It depends on the season, but it could be
21 anywhere from six to ten hours or none depending on
22 the week. We also have to go to games, but that's
23 not paid time.

24 Q. You don't get paid to be at a game?

25 A. No.

1 D. Trahanas

2 Q. Do you get a W-2 from the soccer club,
3 either soccer club?

4 A. I know from the Nazarene United one
5 because I've worked with them for a few years, I
6 believe it's a W-2. And I'm sure the other one is
7 also going to be a W-2.

8 Q. Okay. And when did you start working --
9 you said the Nazarene one, you've worked for them
10 for how many years?

11 A. Probably end of 2015.

12 Q. Okay. And the other one you've worked at
13 for how long?

14 A. I just started last year, so July of 2017.

15 Q. One last document.

16 (Exhibit 76 was marked for
17 identification.)

18 BY MS. WERMUTH:

19 Q. You've been handed Deposition
20 Exhibit 75 -- 76, which looks like two separate
21 pages. Can you tell me what these items are?

22 A. You guys asked for notes, any electronic
23 or otherwise notes, and I happened to come across
24 these on my computer, so I provided them.

25 Q. Okay. So they're just like in a Word

1 D. Trahanas

2 document or what kind of system?

3 A. It's on a Mac. It's Notepad.

4 Q. Got it, okay. Both of these are on --

5 A. It's one page. I just don't know how it
6 can print on one page.

7 Q. Okay. Well, except that there's two
8 different dates on these.

9 Do you see that? So there's a date on the
10 first page of December 16, 2015, and then there's a
11 date on the second page of October 30th, 2017.

12 A. That's the date that it was printed. If
13 you look on the left --

14 Q. Okay, notes on my -- okay.

15 A. -- it says notes on my computer, and
16 that's the day it was printed. The big, I guess the
17 big date, the big font is the font of Notepad.

18 Q. Okay. Well, on the first page, the lower
19 left says Google -- mail.google.com, right?

20 A. Yes.

21 Q. All right. So is this a Google Mail
22 document? Is this a Notes document?

23 A. No, I had to -- in order to print it I had
24 to e-mail it to myself so I could print it. I don't
25 have a printer at home.

1 D. Trahanas

2 Q. When did you write these notes for the
3 first time?

4 A. December 16th of 2015.

5 Q. Okay. Now, according to these notes, I
6 have just a couple quick questions, in the middle it
7 says "E-mailed Harris."

8 Do you see that?

9 A. Yes.

10 Q. "To seek advice about a few co-workers
11 sabotaging my work and Steve making me uncomfortable
12 with the sexual harassment discrimination comments."

13 So I have not seen an e-mail that
14 explicitly says either one of those things from you
15 to Harris Perlman.

16 Do you know when you supposedly sent this
17 e-mail?

18 A. There was an e-mail where Harris dodged
19 for like months.

20 Q. Was it from your Gmail account?

21 A. I can't definitively say if it was Gmail
22 or my Northwestern account.

23 Q. And in the e-mail were you specific about
24 what you wanted to talk to him about?

25 A. To the best of my recollection, honestly,

1 D. Trahanas

2 to get him to meet with me I probably was very
3 vague.

4 Q. So you didn't use the words "sexual
5 harassment" in your e-mail to him?

6 A. Probably not.

7 Q. Okay. Or the word "discrimination"?

8 A. Probably not.

9 Q. Okay. And so when you e-mailed, according
10 to this note, Harris Perlman, I know you don't know
11 which e-mail account you e-mailed -- which of your
12 e-mail accounts you used, but did you e-mail him at
13 his Northwestern account or at some other like Gmail
14 type account?

15 A. I don't know.

16 Q. Okay. All right. Then underneath that
17 paragraph, "Why I don't dress like Rana to work."

18 Do you see that?

19 A. Yes.

20 Q. What is that a reference to?

21 A. Rana would dress rather specifically to
22 work every day.

23 Q. And how was that?

24 A. Stiletto heels, short shorts and low tops.

25 Q. Did you guys wear lab coats in the lab?

1 D. Trahanas

2 A. Unless we knew that we were going to be --
3 unless we knew that the lab was going to be I guess
4 looked at for the day, they were going to come and
5 do I guess an inspection, no, we wouldn't.

6 Q. Okay. And this note here isn't because
7 someone supposedly said this to you. You're
8 explaining why you don't dress like Rana; is that
9 right?

10 A. Dr. Schwulst said that to me one time.

11 Q. When?

12 A. It was in the lab. He was sitting at his
13 desk, I was sitting at mine, and Rana came over and
14 as she walked away he asked me.

15 Q. Can you give me a date?

16 A. Not definitively.

17 Q. Can you give me a year?

18 A. I don't recall.

19 Q. And you never complained to anyone in HR
20 about that comment, correct?

21 A. Not to HR.

22 Q. Or anyone in the administration?

23 A. Not the administration.

24 Q. Or anyone in management in the lab?

25 A. Not management.

1 D. Trahanas

2 MS. WERMUTH: Okay. I have no further
3 questions.

4 MR. DeROSE: I'm going to need about five
5 minutes, but before I do that, Mr. Reporter, can you
6 give us an idea how long you think this dep took
7 today to this point?

8 THE COURT REPORTER: Can we go off the
9 record?

10 MR. DeROSE: Surely, of course.

11 (Whereupon, an off-the-record
12 discussion was held.)

13 EXAMINATION

14 BY MR. DeROSE:

15 Q. Get in front of you 76.

16 Now, these notes, as I understand, what
17 you're telling us, you made these on December 16,
18 2015?

19 A. Correct.

20 Q. All right. And where you got the words
21 counsel just asked you about, "Why I don't dress
22 like Rana to work," did somebody ask you that?

23 A. Yes, Dr. Schwulst said that to me.

24 Q. And he asked you that sometime before
25 December 16, 2015?

1 D. Trahanas

2 A. Yes.

3 Q. And you've already described how Rana
4 comes to work.

5 Does she come to work dressed that way on
6 a regular basis?

7 A. Yes.

8 Q. And you never wear short shorts when you
9 go to work?

10 A. No.

11 Q. Or low-hanging blouses?

12 A. No.

13 Q. Did he say why he was asking you why you
14 don't dress like Rana?

15 A. He was not explaining why.

16 Q. All right. Did you feel offended in some
17 way?

18 A. Of course.

19 Q. Why?

20 It's going to take a long time if you just
21 can't answer the question quicker than that.

22 A. Because he already -- he already had bias
23 towards Rana with other things, and I felt that the
24 only reason why possibly had something to do with
25 the way she dressed. So I was sad because I felt

1 D. Trahanas

2 that I would never be able -- I wouldn't dress like
3 that, so I would be not able to, you know, be like
4 Rana I suppose.

5 Q. When you say you wouldn't be able to dress
6 like that, did you find something about Rana's dress
7 different than -- how would you describe Rana's
8 dress yourself as a woman?

9 A. Inappropriate for a laboratory.

10 Q. What was inappropriate about it?

11 A. The heels, that's -- I mean, open-toed
12 heels, in case of an emergency she wouldn't be able
13 to run.

14 Q. What about the shorts?

15 A. Very revealing.

16 Q. In what way?

17 A. They would show -- basically they were all
18 the way up to her thighs where your thigh starts
19 to -- and it revealed some of a back portion of her
20 body.

21 Q. Were there times when those of you who
22 were in the laboratory used your phones to take
23 photographs of each other, maybe at parties or just
24 greet each other on various days?

25 A. I mean, we have pictures if we were out

1 D. Trahanas

2 perhaps, not that I have any. I think I have one
3 maybe on Instagram with someone from work, but I
4 don't know. It wasn't at work.

5 Q. Do you have any photograph depicting the
6 way Rana would dress when she would come to work?

7 A. No, but we would often talk about it.

8 Q. Who is the "we"?

9 A. People in the lab, so Angelica, Carla,
10 Salina.

11 Q. What would you say about the way she
12 dressed?

13 A. We just -- we would reiterate how
14 inappropriate it was and why she would be trying to
15 do that.

16 Q. Now I want to stay on 76 with you. Right
17 after those words you have typed on here
18 "Blackmailed me with a letter of recommendation,
19 December."

20 Do you see that?

21 A. Yes.

22 Q. And then you've got certain quotes.

23 A. Yes.

24 Q. Who are you quoting?

25 A. Dr. Schwulst.

1 D. Trahanas

2 Q. Are you saying that Dr. Schwulst said to
3 you, quote, "Diane, if you're going to go nuclear on
4 us, then you are going to start clocking in and out;
5 if you put the numbers down you are overpaid,"
6 closed quotes?

7 A. Correct.

8 Q. Then you've got a "me." Now, is that your
9 answer to him?

10 A. Yes, in that conversation.

11 Q. And you said, "I disagree with being
12 overpaid. Clocking in and out is not a problem, but
13 I will need to be getting paid overtime when I clock
14 over 40 hours a week, and with our type of
15 experiments that happens a lot."

16 A. Yes.

17 Q. How long would you work overtime? How
18 long would these experiments take?

19 MS. WERMUTH: Objection, relevance.

20 BY MR. DeROSE:

21 Q. Go ahead. You may answer.

22 A. Some took 24 hours, 18 hours. 18 hours
23 was very common; 24 depending on the number of mice
24 we had and what we were specifically looking at, how
25 many tissues I needed to process at that time.

1 D. Trahanas

2 Q. When you're doing an 18-hour experiment,
3 do you go home for some of that time and come back?

4 A. No. You have to be moving constantly.

5 Q. In the lab?

6 A. Yes.

7 Q. So when one experiment takes a 24-hour
8 period, you're in the lab all that time?

9 A. You start -- I would start in the
10 subbasement where the mice are, retrieve the tissue
11 samples from the mice, and then bring the tissue
12 samples upstairs and start processing the tissue.

13 Q. So once the experiment starts it is a
14 continuous 24-hour experiment or an 18-hour
15 experiment?

16 A. Yes, because the tissue will start
17 degrading or won't be viable. It will -- it would
18 alter the results if we don't do it in the same day.

19 Q. And while you're there for that 24 hours,
20 who is in the lab during the nighttime with you,
21 like from 9:00 o'clock until 8:00 o'clock in the
22 morning?

23 A. Dr. Spare was there twice, not -- she
24 slept on the floor one day. And then the other time
25 I believe she left at like 3:00 or 4:00 in the

1 D. Trahanas

2 morning.

3 And the other days I was -- unless it was
4 somebody from the other lab that left at like
5 midnight, like Rojo or Alex, then it would just be
6 me.

7 Q. Well, was Dr. Schwulst, was he in the lab
8 for that 24-hour lab test?

9 A. No.

10 Q. He never spent the night in the lab?

11 A. Not in the lab.

12 Q. And then he writes -- further down I see
13 quotes again. Is that a quote to him you're giving
14 us?

15 A. He said that to me.

16 Q. All right. So he says, quote, "You should
17 really think long term here, ya know, Harris sent in
18 his letter of rec late, so you probably won't get
19 into school this year, and you'll need my letter of
20 recommendation for next year's application," closed
21 quotes.

22 A. That's correct.

23 Q. "I mean, I wrote you a kick ass letter,
24 didn't I? You've got -- you've also gotten to go on
25 conferences. I've treated you like a grad student."

1 D. Trahanas

2 Is that all something that he said to you?

3 A. During that same conversation, yes.

4 Q. What did you say to him when he said "I
5 wrote you a kick ass letter"?

6 A. It was a good letter. I agreed with that.

7 Q. And he said if you didn't get into medical
8 school that year because Dr. Harris' letter was late
9 you would need a letter from him the following year?

10 A. Yes.

11 Q. Did you believe that?

12 A. Yes.

13 Q. Because you were relying on his letter of
14 recommendation to get you into medical school?

15 A. Right. I mean, I invested two and a half
16 years at that time at work, and there would be
17 nowhere else for me to go the subsequent year.

18 Q. All right. And just a couple more because
19 it's very late and I appreciate it.

20 Would you go to Exhibit 60, the
21 handwritten notes that the lady from EEOC apparently
22 wrote, according to counsel.

23 Have you got that?

24 A. 60, yeah, yes.

25 Q. You don't have 60 or I don't have 60.

1 D. Trahanas

2 It's a handwritten note.

3 All right. Right under where counsel
4 directed your attention to with that long cross-out
5 line, it says, "Dr. Schwulst, sex, male."

6 Do you know why the lady wrote that?

7 MS. WERMUTH: Objection, foundation.

8 BY MR. DeROSE:

9 Q. Did you tell her that Dr. Schwulst was a
10 male?

11 A. If she asked, yes.

12 Q. All right. And then it says, "Made
13 comments to her first three/four months. PCP, if I
14 tell you that means the complainant at the EEOC --
15 "PCP was called a softball player because all
16 softball players are lesbians."

17 Do you remember telling her that?

18 A. Yes. I remember that was the reason to go
19 to the EEOC, part of the reason.

20 Q. Then she writes, "PCP said she played
21 basketball, and he said doesn't matter, all
22 basketball players are lesbians also."

23 Did you tell her that? Ma'am, can you
24 answer the question?

25 A. Yes.

1 D. Trahanas

2 Q. Don't just nod your head because we can't
3 take that down. No matter how hard you shake your
4 head we won't get enough sound out of that, okay?

5 A. Yes, that was part of my complaint.

6 Q. "PCP states he knew she was a big sports
7 fan."

8 And Carla Cuda was a laboratory worker?

9 A. Carla was a person in our lab.

10 Q. And then you gave the lady a list of
11 witnesses including Ms. Dominguez and any names that
12 would help her?

13 A. Yes.

14 Q. All right. One more and I'll be all
15 finished.

16 Wait a minute. There might be something
17 else on this document.

18 Yes, go to Page 2. About five lines down
19 she writes, "PCP states Schwulst would refer to her
20 as a softball player, meaning PCP was a lesbian.
21 And PCP states she's never been with a significant
22 other around" something "or others, around him or
23 others."

24 Did you ever bring a boyfriend around to
25 the laboratory?

1 D. Trahanas

2 A. Not that I recall.

3 Q. Did you ever go to any parties where you
4 could bring someone with you to the party?

5 A. Yes, there were multiple parties during
6 the year.

7 Q. Did you ever bring anybody to any of the
8 parties?

9 A. Once.

10 Q. Who did you bring?

11 A. My mom.

12 Q. Was there any talk about the fact that you
13 had to bring your mom to the party instead of a
14 significant other?

15 A. Not that I recall.

16 Q. And if you'll look, I'm not going to
17 belabor the record with it, but if you look at the
18 paragraph at about the middle of the page, you're
19 complaining to her about him withdrawing those
20 letters of recommendation, giving you one that
21 wasn't good, and then trying to nullify the second
22 letter with a third?

23 A. Yes.

24 Q. And we've already seen the letters here
25 today, have we not?

1 D. Trahanas

2 A. We have.

3 Q. All right. One more document and I'll be
4 done. Counsel also showed you Exhibit Number 62.

5 Do you have that in front of you? It's a
6 typed document. And that's a document that counsel
7 tells us they had subpoenaed from the EEOC, and I
8 want you to look down about the middle of the page
9 right after the date 5/24.

10 Do you see that sentence?

11 A. Yes.

12 Q. All right. Now, the next sentence, it
13 says, "After a while R sent a notice," that would be
14 respondent, "sent a notice to PCP to go back to
15 work. PCP was unable to do it due to a hostile
16 environment."

17 Do you remember telling that to anybody at
18 the EEOC? Just that sentence, ma'am, do you
19 remember saying it?

20 A. I remember talking about a hostile,
21 stressful work environment.

22 Q. Now look at the next paragraph that's
23 typed.

24 By the way, you didn't talk to anybody
25 while they were typing at the EEOC, did you?

1 D. Trahanas

2 A. No.

3 Q. So if the notes are typed, they're typed
4 sometime after you finished your conversation with
5 them, as best you know?

6 MS. WERMUTH: Objection to the form of the
7 question. Also assumes that this was an in-person
8 meeting, which she testified she wasn't sure about,
9 so it assumes facts not of record.

10 MR. DeROSE: Counsel, you're exactly
11 right.

12 BY MR. DeROSE:

13 Q. You don't know how these notes got typed
14 and into the EEOC file; is that correct?

15 A. I can't say with certainty one way or the
16 other.

17 Q. And you didn't see anybody ever in your
18 memory over at the EEOC typing things down while you
19 were talking to them?

20 A. I do, but I can't recall which meeting it
21 was.

22 Q. Look at the next paragraph, "Medical
23 leave, February 17, 2015, due to high anxiety,
24 mental stress and depression. Diagnosed few years
25 ago prior to going on leave. It got exacerbated.

1 D. Trahanas

2 It was stressful work environment. Doctor gave PCP
3 a note May 24, 2015, that no release to the same
4 position under the same employer."

5 What employer did the doctor give you a
6 letter to that said you can't go back to work with
7 that person?

8 MS. WERMUTH: Object to the form of the
9 question. It misstates what's written here. It
10 also misstates the record evidence.

11 BY MR. DeROSE:

12 Q. You may answer.

13 A. The employer would be Dr. Schwulst, which
14 would be the position of research tech.

15 Q. Is it fair to say that you don't know how
16 the letter from Dr. Cano got over to Northwestern?

17 A. Yes, that would be fair.

18 Q. And you don't know how it ever got into
19 their file?

20 A. No, I do not.

21 MR. DeROSE: All right. I have no further
22 questions, Counsel. You may inquire.

23 MS. WERMUTH: I have no further questions.

24 MR. DeROSE: All right. Thank you.

25 Signatures are -- can we waive these?

1 D. Trahanas

2 That man, he hasn't said boo. He has only worked
3 real hard.

4 You had no trouble taking her down, did
5 you?

6 THE COURT REPORTER: No.

7 MR. DeROSE: Diane, do yourself a favor.
8 Waive the reading of the dep. Trust that this man
9 took you down accurately. He was listening
10 carefully today.

11 THE WITNESS: I just say it?

12 MR. DeROSE: Say "I waive."

13 THE WITNESS: I waive.

14 (Whereupon, the deposition was
15 concluded at 8:02 p.m.)

16

17

18

19

20

21 D. Trahanas

22 Subscribed and sworn to before me
23 this ____ day of _____, 20__.

24

25 NOTARY PUBLIC

1 D. Trahanas

2 STATE OF ILLINOIS)

3) SS:

4 COUNTY OF C O O K)

5 The within and foregoing deposition of the
6 witness, DIANE M. TRAHANAS, was taken before GREG S.
7 WEILAND, CSR, RMR, CRR, at Suite 400, 123 North
8 Wacker Drive, in the City of Chicago, Cook County,
9 Illinois, commencing at 10:13 o'clock a.m., on the
10 5th day of January, 2018.

11 The said witness was first duly sworn and
12 was then examined upon oral interrogatories; the
13 questions and answers were taken down in shorthand
14 by the undersigned, acting as stenographer and
15 Notary Public; and the within and foregoing is a
16 true, accurate and complete record of all the
17 questions asked of and answers made by the
18 aforementioned witness at the time and place
19 hereinabove referred to.

20 The signature of the witness was waived by
21 agreement of counsel.

22 The undersigned is not interested in the
23 within case, nor of kin or counsel to any of the
24 parties.

25

1 Witness my signature on this 18th day of
2 January, 2018.

3
4
5 _____
6 GREG S. WEILAND, CSR, RMR, CRR
7 License No. 084-003472
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1 NAME OF CASE:

2 DATE OF DEPOSITION:

3 NAME OF WITNESS:

4 Reason Codes:

5 1. To clarify the record.

6 2. To conform to the facts.

7 3. To correct transcription errors.

8 Page _____ Line _____ Reason _____

9 From _____ to _____

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

16 Page _____ Line _____ Reason _____

17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

20 Page _____ Line _____ Reason _____

21 From _____ to _____

22 Page _____ Line _____ Reason _____

23 From _____ to _____

24

25

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DIANE M. TRAHANAS,)
)
Plaintiff,)
)
vs.) No. 15-cv-11192
)
NORTHWESTERN UNIVERSITY)
and STEVEN J. SCHWULST,)
M.D.,)
)
Defendants.)
_____)

DEPOSITION OF DIANE M. TRAHANAS
VOLUME II
Chicago, Illinois
Tuesday, January 8, 2019

Reported by:
PAULA CAMPBELL, CSR, RDR, CRR, CRC
JOB NO. 153261

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January 8, 2019
10:06 A.M.

Volume II of the discovery
deposition of DIANE M. TRAHANAS, held at the
offices of COZEN O'CONNOR, 123 North Wacker
Drive, Chicago, Illinois, pursuant to notice
before Paula Campbell, CSR, RDR, CRR, CRC.

A P P E A R A N C E S:

JOHN P. DeROSE & ASSOCIATES

Attorneys for the Plaintiff

15 Spinning Wheel Road

Hinsdale, Illinois 60521

BY: JOHN DeROSE, ESQ.

COZEN O'CONNOR

Attorneys for the Defendants

123 North Wacker Drive

Chicago, Illinois 60606

BY: ANNA WERMUTH, ESQ.

DANIELLE HARRIS, ESQ.

ALSO PRESENT:

Robert Zellner, Videographer

Thalia L. Myrianthopoulos, Northwestern

Steven J. Schwulst

1 D. TRAHANAS - VOLUME II

2 VIDEOGRAPHER: And good morning. This is
3 the start of disc labeled number one of the
4 continuing videotaped deposition of Diane, M.
5 Trahanas in the matter of Diane M. Trahanas
6 versus Northwestern University and Steven J.
7 Schwulst, M.D., in the United States District
8 Court for the Northern District of Illinois,
9 Eastern Division, bearing case number
10 15-cv-11192.

11 This deposition is being held at Cozen
12 O'Connor, at 123 North Wacker Drive,
13 Suite 1800, in Chicago, Illinois, 60606, on
14 Tuesday January 8th, 2019, at approximately
15 10:06 A.M.

16 My name is Robert Zellner from TSG
17 Reporting, Inc., and I am the legal video
18 specialist. And the court reporter is Paula
19 Campbell, also in association with TSG
20 Reporting.

21 And will counsel please introduce
22 yourselves for the record?

23 MS. WERMUTH: This is Anna Wermuth. I'm
24 counsel for Northwestern University and for
25 Dr. Schwulst.

1 D. TRAHANAS - VOLUME II

2 MR. DeROSE: And I'm John DeRose on behalf
3 of Ms. Trahanas.

4 We have other people here. Can we have
5 them all identified also?

6 MS. WERMUTH: Yes. I was getting to that.
7 To my left.

8 MS. MYRIANTHOPOULOS: Thalia
9 Myrianthopoulos on behalf of Northwestern
10 University.

11 MR. SCHWULST: Steven Schwulst.

12 MS. HARRIS: Danielle Harris on behalf of
13 the defendants.

14 MR. DeROSE: And, Counsel, before we start,
15 can we indicate, although the videographer
16 thought it was a continuing video deposition,
17 it is not. This is the first time you have
18 dep- -- videotaped Ms. Trahanas. I do not
19 believe that there was a prior authorization to
20 do that, but go ahead.

21 MS. WERMUTH: Okay. I believe that the
22 deposition notice indicated that it would be
23 taken pursuant to transcription and video.

24 MR. DeROSE: Do you have a copy of that
25 here now?

1 D. TRAHANAS - VOLUME II

2 MS. WERMUTH: I don't have it with me, but
3 I can get it.

4 MR. DeROSE: That's all right. Go ahead.

5 MS. WERMUTH: And I'll just -- I'll add
6 that this is a continuing deposition in the
7 case of Diane Trahanas versus Northwestern
8 University and Steven Schwulst, M.D., and that
9 this deposition is being taken pursuant to
10 Judge Mason's order of December 3rd, 2018.

11 MR. DeROSE: All right. And, Counsel, can
12 we also mention this deposition is for a very
13 limited purpose. I allowed you to go beyond
14 the seven hours for the deposition of
15 Ms. Trahanas a couple of years ago, and you
16 took, I believe, as much as nine hours of
17 deposition.

18 Today's deposition is limited for the
19 purpose that His Honor, Judge Mason, set
20 forward concerning your inquiry of the searches
21 that Ms. Trahanas made for any letters of --
22 she received from medical schools, and I would
23 ask that we try to stay as closely as possible
24 into that very limited area.

25 MS. WERMUTH: I would disagree that the

1 D. TRAHANAS - VOLUME II

2 only issue for today is her searches within her
3 gmail account, but rather her preservation
4 obligations generally, her -- her efforts to
5 preserve, and then her efforts to collect
6 certain electronically stored information. So
7 I'll be talking about those topics.

8 MR. DeROSE: And I believe that that is
9 appropriate. I think that is what His Honor
10 ordered, and I do ask that you just stay to
11 that and don't go into the other areas where we
12 already had extensive discovery.

13 BY MS. WERMUTH:

14 Q. Ms. Trahanas, you recall that I took your
15 deposition about a year ago in January of 2018?

16 A. Yes.

17 MS. WERMUTH: Oh, I'm sorry. Can you swear
18 the witness in, please. Thank you.

19 MR. DeROSE: Oh boy.

20 REPORTER: Would you please raise your
21 right hand.

22 D I A N E T R A H A N A S,

23 called as a witness, having been duly sworn,
24 was examined and testified as follows:

25 ///

1 D. TRAHANAS - VOLUME II

2 EXAMINATION

3 BY MS. WERMUTH:

4 Q. Okay. And just to reiterate my --

5 MR. DeROSE: Excuse me one second. Will
6 you get a napkin there? In the wintertime my
7 nose -- oh, I forget that, yeah. Give me one
8 second, Counsel.

9 Thank you. I got it.

10 MS. WERMUTH: Are we ready to proceed?

11 MR. DeROSE: Yes.

12 MS. WERMUTH: Yes, okay.

13 VIDEOGRAPHER: Just a little higher up.

14 Thank you. Thanks.

15 BY MS. WERMUTH:

16 Q. Okay. Ms. Trahanas, I'll ask you the
17 question again.

18 Do you recall that I took your deposition
19 on January 5th of 2018?

20 A. Yes.

21 Q. Okay. You were under oath at that time;
22 correct?

23 A. Correct.

24 Q. And you swore to tell the truth; correct?

25 A. Yes.

1 D. TRAHANAS - VOLUME II

2 Q. And you did tell the truth at that time; is
3 that correct?

4 A. Yes.

5 Q. Okay. If I were --

6 MS. WERMUTH: What I'm going to do, John,
7 and what I've talked to the court reporter is
8 we are going to -- for ease of administration,
9 we're going to continue with the pagination of
10 this deposition in sequence with her -- the
11 plaintiff's first deposition, and we're also
12 going to then sequentially mark exhibit
13 numbers. Okay?

14 MR. DeROSE: That's fine.

15 MS. WERMUTH: Okay. Thank you.

16 All right. I will then have this exhibit,
17 if you would, Madam Court Reporter, marked
18 as -- oh, actually, you know what, I don't need
19 to mark this. It's marked in the -- in the
20 first deposition.

21 BY MS. WERMUTH:

22 Q. So let me hand to you, Ms. Trahanas, what
23 was previously marked as your Deposition Exhibit 55.
24 I'm sorry.

25 MR. DeROSE: This is a problem I have. Too

1 D. TRAHANAS - VOLUME II

2 big of tables.

3 MS. WERMUTH: Yeah, yeah. I'll make sure I
4 stand up and pass it to you. Okay?

5 MR. DeROSE: Thank you.

6 BY MS. WERMUTH:

7 Q. All right. So, Ms. Trahanas, I know we
8 talked a little bit about this exhibit in your first
9 deposition, but let me ask you a couple quick
10 questions about it.

11 In the e-mail on the first page dated
12 February 26th, 2015, from you to pam@lattaslaw, do
13 you see that?

14 A. Yes.

15 Q. Okay. And Pam was your -- was representing
16 you at the time of this e-mail; is that right?

17 A. Could you please define "representing"?

18 Q. Well, okay. Let me -- strike that.

19 Pam Visvardis is an attorney; correct?

20 A. She is.

21 Q. Okay. And you were consulting with her
22 about legal action vis-à-vis Dr. Schwulst in
23 February of 2015; correct?

24 A. I wouldn't describe it as consulting.

25 Q. What would you describe it as then?

1 D. TRAHANAS - VOLUME II

2 A. Asking a friend for a favor.

3 Q. Okay. And your friend was a lawyer; right?

4 A. Correct.

5 Q. And your friend sent a legal demand letter
6 to Dr. Schwulst on your behalf in February of 2015;
7 correct?

8 A. Correct.

9 Q. Okay. So she was then representing you in
10 February of 2015; correct?

11 A. Via the demand letter, yes.

12 Q. Yeah.

13 And, in fact, in this e-mail on Exhibit 55
14 you say to her, "Let me know when you can start
15 talking about lawsuit stuff."

16 Do you see that?

17 A. I do see that.

18 Q. Okay. So, and you were talking about a
19 lawsuit against Dr. Schwulst; is that correct?

20 A. I don't recall exactly what in context that
21 was reference to.

22 Q. Was there other litigation that you were
23 contemplating in January -- or, I'm sorry,
24 February 2015?

25 MR. DeROSE: Well, Counsel, now wait a

1 D. TRAHANAS - VOLUME II

2 minute. This is -- I allow a certain amount of
3 background, but we're really here to talk about
4 her searches, not about whatever she was
5 contemplating against anybody in a lawsuit.

6 MS. WERMUTH: Well, I would disagree,
7 because under Rule 37, which was part of what
8 our motion was related to, preservation
9 obligations attach at certain points in time.

10 So I'm trying to discern at what points in
11 time Ms. Trahanas was contemplating seeking
12 legal action. She's now telling me that she
13 doesn't recall whether or not she was
14 seeking -- wanting to talk to Pam Visvardis
15 about a lawsuit against Dr. Schwulst or some
16 other lawsuit, and I'm trying to get to the
17 bottom of that.

18 A. That's mischaracterizing, I believe, what I
19 said.

20 BY MS. WERMUTH:

21 Q. Please tell me what you said.

22 A. Can you read it back to her, please.

23 (Record was read as requested.)

24 MS. WERMUTH: There was a question about
25 the phrase in the e-mail, "Let me know when we

1 D. TRAHANAS - VOLUME II

2 [sic] can start talking about lawsuit stuff."

3 (Record was read as requested.)

4 BY MS. WERMUTH:

5 Q. Okay. So, Ms. Trahanas, can you please
6 read all of Exhibit 55 and tell me if you understand
7 what you are talking -- or what you are writing
8 about in connection with mentioning "lawsuit stuff"?

9 THE WITNESS: John, are we still --

10 MR. DeROSE: Read it out loud or --

11 MS. WERMUTH: Read it to herself.

12 MR. DeROSE: Read it to herself.

13 A. Just the first page?

14 BY MS. WERMUTH:

15 Q. I'm asking you to read the exhibit so that
16 you can answer the question in the context which you
17 say that you need context for.

18 A. I believe John just objected, though, to
19 the question.

20 MR. DeROSE: Just --

21 MS. WERMUTH: This is being argumentative.

22 A. I'm just double checking, because --

23 MR. DeROSE: All right. Read the document.

24 MS. WERMUTH: He will state an objection if
25 he has an objection. It's not your place to

1 D. TRAHANAS - VOLUME II

2 object.

3 A. I honestly couldn't tell you what in
4 context.

5 MR. DeROSE: Read the whole document to
6 yourself.

7 A. Okay. I believe I've reviewed the entire
8 document.

9 BY MS. WERMUTH:

10 Q. Okay. So now that you've reviewed the
11 document, can you tell me what you're referring to
12 when you e-mail Miss Visvardis on February 26, 2015,
13 about "lawsuit stuff"?

14 A. I'm not sure, because on Wednesday,
15 March 4th, I asked her what her opinion and what to
16 do would be, like how to you pursue further. So how
17 could I be speaking about a lawsuit when I'm not
18 even sure what I'm doing?

19 MS. WERMUTH: I'm going to strike that
20 answer as nonresponsive.

21 BY MS. WERMUTH:

22 Q. You write -- these are your words; correct?

23 MR. DeROSE: I object to striking it.

24 MS. WERMUTH: That's fine.

25 MR. DeROSE: But go ahead, Counsel.

1 D. TRAHANAS - VOLUME II

2 MS. WERMUTH: That's fine.

3 BY MS. WERMUTH:

4 Q. You -- these are your words; right? You
5 wrote the e-mail talking about -- using the phrase
6 "lawsuit stuff," did you not?

7 A. Sure, it could be -- I could have
8 written --

9 MR. DeROSE: That's the answer is yes.

10 Okay.

11 A. Sure. Yes. I'm sorry.

12 BY MS. WERMUTH:

13 Q. And as you sit here today, you don't
14 recall, is that your testimony, what you meant by
15 "lawsuit stuff"?

16 A. Correct.

17 Q. So is it your testimony -- well, strike
18 that.

19 In February 2015 were you contemplating
20 taking legal action against Dr. Schwulst?

21 A. No.

22 Q. Really? Okay.

23 MS. WERMUTH: Can we mark this as 77,
24 please.

25 (Trahanas Exhibit 77 marked for

1 D. TRAHANAS - VOLUME II

2 identification.)

3 BY MS. WERMUTH:

4 Q. Do you have now in front of you what's been
5 marked as Deposition Exhibit 77?

6 A. Yes.

7 Q. Do you recognize that document?

8 A. Yes.

9 Q. And did you see that -- so, strike that.
10 That is a letter from Pam Visvardis to
11 Dr. Schwulst; correct?

12 A. Yes.

13 Q. And it's dated February 27th, 2015.

14 Do you see that?

15 A. Correct.

16 Q. And you received a copy of this letter at
17 the same time; correct?

18 A. I'm not sure if it's the exact date, but
19 yes, around that time.

20 Q. Right.

21 And in this letter on your behalf, where
22 Pam Visvardis writes that her firm represents you,
23 do you see that in the first sentence?

24 A. Yes.

25 Q. So does that refresh your recollection as

1 D. TRAHANAS - VOLUME II

2 to whether or not Miss Visvardis represented you in
3 February of 2015?

4 A. I believe I already answered the question.

5 Q. And the answer is?

6 A. She was doing me a favor, so she wrote a
7 letter to Dr. Schwulst for the letters.

8 Q. She's an attorney; correct?

9 A. Correct.

10 Q. And she has a legal obligation to abide by
11 her ethical obligations as a lawyer; correct?

12 A. Yes.

13 Q. Okay. And --

14 MR. DeROSE: Objection. Calls -- wait,
15 wait. Let me make my objections. Objections
16 to what an attorney's obligation is to this lay
17 person.

18 Go ahead.

19 BY MS. WERMUTH:

20 Q. And, in fact, in this letter Miss Visvardis
21 indicates that she or her firm was representing you
22 at the time; correct?

23 A. She indicates that, yes.

24 Q. Right.

25 You don't think she's lying?

1 D. TRAHANAS - VOLUME II

2 MR. DeROSE: Objection to that question.
3 Don't answer that?

4 MS. WERMUTH: On what basis?

5 MR. DeROSE: On your asking her to arrive
6 at a conclusion of what someone else is doing.
7 She's not here to be a jury. So I don't want
8 her to answer that question.

9 MS. WERMUTH: She can answer it subject to
10 your objection.

11 MR. DeROSE: Well, I -- I suggest not
12 Kate -- Counsel. I don't think a judge is
13 going to ask a lay person to say if a lawyer
14 was lying in sending a letter, okay. So you
15 will have to bring that one in front of Judge
16 Mason.

17 MS. WERMUTH: You know what, John, I don't
18 understand why your client is -- you have --
19 you have told me that she was represented by
20 Pam Visvardis at this time. I don't understand
21 why your client is suddenly taking the position
22 that she's not sure whether or not
23 Miss Visvardis or her firm was representing
24 her. It's clear as day. She is being
25 unnecessarily argumentative.

1 D. TRAHANAS - VOLUME II

2 MR. DeROSE: She hasn't argued with you
3 about anything.

4 MS. WERMUTH: Sure she has. She is asking
5 the court reporter to read stuff back. She is
6 asking you if you are making objections. She
7 is arguing with me about her answers.

8 MR. DeROSE: Well, she will stop doing
9 that --

10 MS. WERMUTH: Thank you.

11 MR. DeROSE: -- because I just told her
12 that. But she has not raised her voice. She
13 has not --

14 MS. WERMUTH: It doesn't matter. It
15 doesn't -- the voice isn't the -- the issue.
16 She is arguing with me on not answering
17 question.

18 MR. DeROSE: Counsel, excuse me. I am the
19 one who objected to you asking her if she
20 thought her friend, a lawyer, was lying. And I
21 do not want her to answer that question,
22 because her opinion and conclusion about
23 whether another person is lying or not is
24 really not appropriate in this case.

25 MS. WERMUTH: I'm going to ask this

1 D. TRAHANAS - VOLUME II

2 question, and I'm going to ask it, and I'm
3 going to get an answer to it.

4 MR. DeROSE: No, you're not, and I already
5 told --

6 MS. WERMUTH: Excuse me.

7 MR. DeROSE: -- she is not going to answer.

8 MS. WERMUTH: Hang on. I'm going do this
9 question, if I may.

10 BY MS. WERMUTH:

11 Q. Miss Visvardis wrote on February 27th of
12 2015 that her firm represented you; correct?

13 MR. DeROSE: Asked and answered.

14 BY MS. WERMUTH:

15 Q. Please answer.

16 A. Yes.

17 Q. And in this letter she threatens legal
18 action against Dr. Schwulst; is that correct?

19 MR. DeROSE: Can you led me to where you're
20 talking about? What paragraph, Counsel?

21 MS. WERMUTH: She can read the letter and
22 answer the question.

23 MR. DeROSE: All right. Take your time and
24 read the letter.

25 A. Okay. I'm finished reading.

1 D. TRAHANAS - VOLUME II

2 BY MS. WERMUTH:

3 Q. Okay. And you would agree with me that in
4 this letter legal action is threatened against
5 Dr. Schwulst; correct?

6 A. I don't know if I would say -- I don't know
7 if it technically counts as threatened, but it's
8 asked to be complied with certain expectations.

9 Q. Well, so you've read the full letter;
10 correct?

11 A. Yes.

12 Q. You will turn to the second page with me,
13 please.

14 A. Okay.

15 Q. The final paragraph, it says, "If you fail
16 to comply with these demands, our client" -- that
17 refers to you; correct?

18 A. Yes.

19 Q. -- "our client has authorized us to file
20 suit against you in the Circuit Court of Cook
21 County."

22 Do you see that?

23 A. I see that.

24 Q. Okay. So the letter suggests that if
25 certain actions are not taken by Dr. Schwulst, you

1 D. TRAHANAS - VOLUME II

2 have authorized a lawsuit to be filed against him;
3 correct?

4 MR. DeROSE: The letter says what it says.

5 MS. WERMUTH: She can answer the question,
6 John.

7 MR. DeROSE: Would you read the question
8 back so I -- I think it's -- you're asking
9 about what the letter says.

10 MS. WERMUTH: Which I can do.

11 MR. DeROSE: Ma'am, would you read that
12 question back, please?

13 (Record was read as requested.)

14 MR. DeROSE: Objection. The letter says
15 what it says.

16 MS. WERMUTH: She can still answer the
17 question over your objections.

18 MR. DeROSE: All right. Does the letter
19 say that?

20 MS. WERMUTH: John, it's my question.

21 MR. DeROSE: All right. Go ahead. Go
22 ahead, Counsel.

23 A. If I heard correctly, you're asking if the
24 letter states that. Yes, I do see that on the piece
25 of paper that the letter states that, yes.

1 D. TRAHANAS - VOLUME II

2 BY MS. WERMUTH:

3 Q. Well, the letter wouldn't state that if you
4 didn't authorize such action to be taken; correct?

5 MR. DeROSE: Objection, Counsel.

6 Objection.

7 MS. WERMUTH: What is the basis for the
8 objection, John?

9 MR. DeROSE: Is that the letter says what
10 it says. The author said that. You can't ask
11 her the letter wouldn't say something --

12 MS. WERMUTH: John --

13 MR. DeROSE: -- if she didn't authorize it.

14 MS. WERMUTH: John, let me take you back
15 through every deposition you took where you
16 read full pages of documents into the record
17 and asked my clients to confirm that it said
18 what it said. If you don't like this, I'm
19 going to call Judge Mason, because there hasn't
20 been a question, a noncontroversial question
21 that I've asked today that hasn't elicited
22 either an argument from your client or an
23 argument from you.

24 MR. DeROSE: Here's your program, Counsel,
25 you had a nine-hour deposition where I never

1 D. TRAHANAS - VOLUME II

2 requested one time that you contact the
3 lawyer -- or the judge. I've never recommended
4 that to any lawyer, only other lawyers who feel
5 like they can't handle an appropriate question,
6 go and talk to the judge. I don't really care.

7 If you want to call the judge, the judge
8 has a limited purpose for this deposition. You
9 had nine hours to ask about all this, and you
10 did already.

11 MS. WERMUTH: I didn't -- I didn't have
12 nine hours to ask about all this, because I've
13 learned through the course after her deposition
14 that there is certain e-mails that she never
15 produced. So let me -- the judge has allowed
16 this deposition, regardless of what -- how many
17 hours --

18 MR. DeROSE: For a limited purpose, not for
19 what -- what she's doing with her -- her
20 friend, who happened to be a lawyer at the
21 time.

22 MS. WERMUTH: No, no, no, no. Her friend
23 who is representing her and threatening legal
24 action. It's important to know when her
25 preservation obligation kicked in.

1 D. TRAHANAS - VOLUME II

2 MR. DeROSE: And Dr. Schwulst's lawyer
3 responded also threatening legal action against
4 Diane.

5 MS. WERMUTH: What is -- that's not the
6 question, though. The question is the judge
7 allowed me to take the deposition of
8 Ms. Trahanas a second time for this purpose.
9 And I'm --

10 MR. DeROSE: All right. Go ahead. Let's
11 see if we can get through this somehow.

12 MS. WERMUTH: Yeah, let's do that. Let's
13 do that, John.

14 BY MS. WERMUTH:

15 Q. According to this letter, you authorized
16 legal action to be taken against Dr. Schwulst if he
17 failed to comply with the demands in this letter;
18 correct?

19 A. I never signed an authorization form to --
20 to say --

21 MR. DeROSE: But that's what the letter
22 says.

23 A. That's what the letter says, yes.

24 BY MS. WERMUTH:

25 Q. Which means you told Pam that you would

1 D. TRAHANAS - VOLUME II

2 authorize legal action if he didn't comply; correct?

3 A. I don't recall what I told Pam.

4 Q. All right. So if I have to take Pam's
5 deposition, she'll tell me?

6 A. Well, I would believe it's privileged,
7 then, if you're saying that she's a lawyer, but, I
8 mean, that would be up to John I guess.

9 Q. I asked that question early on and your
10 lawyer told me he was waiving privilege over your
11 relationship with Miss Visvardis.

12 A. For these --

13 Q. Absolutely.

14 A. -- for these documents, I believe.

15 Q. Well, you can't do a limited waiver
16 Ms. Trahanas.

17 MR. DeROSE: All right. Counsel, please.

18 MS. WERMUTH: Well, she's arguing with me.

19 A. I'm just asking.

20 MR. DeROSE: Just answer the question.

21 BY MS. WERMUTH:

22 Q. You can't ask questions in a deposition.
23 You're the witness. I'm asking the question.

24 A. I apologize.

25 Q. You can talk to your lawyer on a break if

1 D. TRAHANAS - VOLUME II

2 you'd like to do that.

3 MR. DeROSE: All right. Counsel, please.

4 MS. WERMUTH: No. You "please," John.

5 MR. DeROSE: Will you ask you --

6 MS. WERMUTH: You "please," John.

7 MR. DeROSE: Just ask your questions.

8 MS. WERMUTH: I'm trying. Your client
9 hasn't answered any question yet, literally.

10 MR. DeROSE: Well, Counsel, I disagree with
11 you, but go ahead.

12 BY MS. WERMUTH:

13 Q. Did Miss Visvardis ever tell you about
14 Rule 37?

15 A. No.

16 Q. Did Miss Visvardis ever tell you about your
17 obligation to preserve relevant information in
18 connection with legal action?

19 A. No.

20 Q. Did you ever read Rule 37?

21 A. Up until maybe if it was mentioned in your
22 letter to the judge, no.

23 Q. So you have read it since I filed the
24 motion for sanctions?

25 A. If it was in that letter, perhaps, but I

1 D. TRAHANAS - VOLUME II

2 don't recall what it is.

3 MS. WERMUTH: Can we mark this as 78,
4 please.

5 (Trahanas Exhibit 78 marked for
6 identification.)

7 MR. DeROSE: Thank you. Diane, can you
8 push that over?

9 MS. WERMUTH: Yeah, sorry.

10 MR. DeROSE: Never mind. I got it.

11 BY MS. WERMUTH:

12 Q. Okay. Ms. Trahanas, you have now been
13 handed what's been marked as Deposition Exhibit 78.

14 Do you recognize that document?

15 A. No.

16 Q. So you've never -- you've never read
17 Rule 37 before?

18 A. Not in this document form, no.

19 Q. Have you read it in any form?

20 A. I don't recall.

21 Q. At the time -- in February of 2015 -- so
22 let me go back to Exhibit 55, please.

23 A. Okay.

24 MR. DeROSE: The last one was 78?

25 MS. WERMUTH: Correct.

1 D. TRAHANAS - VOLUME II

2 MR. DeROSE: Okay. Thank you.

3 BY MS. WERMUTH:

4 Q. By the way, I'm sorry, let me go back to
5 Exhibit 55. The first e-mail on the first page is
6 from AMCAS to you; right?

7 A. Yes.

8 Q. Okay. And one of the things that AMCAS
9 tells you is that you can check the status of your
10 application throughout the admissions process by
11 logging in; right?

12 A. Yes, it says that.

13 Q. Okay. Okay. So you had the capability to
14 log in to AMCAS to see what schools were doing with
15 your applications while they were pending; is that
16 correct?

17 A. I -- that can mean a lot of different
18 things. I'm not sure exactly what you're asking me,
19 so I would ask you to rephrase it, if you could.

20 Q. What -- what about my question do you not
21 understand, Ms. Trahanas?

22 A. Checking on my status, I mean, I'm not sure
23 if you're saying if they received an evaluation
24 letter, if a grade was changed or I needed to update
25 like --

1 D. TRAHANAS - VOLUME II

2 Q. Let me ask you this question: You had an
3 AMCAS account; right?

4 A. Yes.

5 Q. Okay. And you had electronic access to
6 that account; right?

7 A. Yes.

8 Q. And you continue to have electronic access
9 to that account; correct?

10 A. Yes. At the time, yes.

11 Q. Well, do you continue to have access to
12 that account?

13 A. When you have an application, yes.

14 Q. Okay. So in February of 2015 you had
15 access to that account?

16 A. Correct.

17 Q. Okay. So you could go in to that account
18 and see whether or not schools had rejected you or
19 accepted you; correct?

20 A. No.

21 Q. That was not included among the information
22 that you could check?

23 A. Not that I recall, no.

24 Q. Okay. Now if February of 2015 you had
25 already received a number of e-mails from schools

1 D. TRAHANAS - VOLUME II

2 rejecting your application; correct?

3 A. No.

4 Q. Zero? You -- you hadn't received any?

5 A. I don't recall what I received.

6 Q. What was the gmail address account that you
7 used in connection with your AMCAS application?

8 A. It's the account that's in front of us,
9 diane.trahanas, T-r-a-h-a-n-a-s, at gmail.com.

10 Q. And that's an e-mail account that you've
11 had how long?

12 A. Maybe a couple years before 2015. I
13 couldn't tell you the year.

14 Q. Okay. And you continue to have that same
15 e-mail address; correct?

16 A. Yes.

17 Q. And so, as you sit here today, it's your
18 testimony that you cannot remember whether or not in
19 February 2015 you had received any rejection e-mails
20 from any of those medical schools you had applied to
21 for that cycle?

22 A. If -- if I remember -- if I received any or
23 which one -- I'm sorry. Can -- can you repeat that?

24 (Record was read as requested.)

25 A. I can't remember what I had received or not

1 D. TRAHANAS - VOLUME II

2 received.

3 Q. Did you tell Pam Visvardis that you had
4 already been rejected from some of these schools in
5 February of 2015?

6 A. Other than the e-mail chain that you have
7 in front of me, I don't recall any other further
8 correspondence with Miss Visvardis.

9 Q. Okay. So I'm not asking you if there is
10 other correspondence. What I'm asking you is: Have
11 you -- did you communicate in any form, written or
12 verbal or any chat, any form with Miss Visvardis
13 where you told her you had already been rejected
14 from some of the medical schools to which you had
15 applied?

16 A. I don't recall.

17 Q. Did you tell her that you hadn't completed
18 your application to some of the medical schools to
19 which you had applied?

20 A. I don't recall.

21 Q. And going back to what's been marked as
22 Deposition Exhibit 77, that letter sent on your
23 behalf was sent to Dr. Steven Schwulst; right?

24 A. Yes.

25 Q. It was not sent to the University; correct?

1 D. TRAHANAS - VOLUME II

2 A. Correct.

3 Q. Okay. And so, when you had authorized
4 legal action at that point in time, you had
5 authorized it only against Dr. Schwulst; correct?

6 A. I'm not trying to be argumentative, but,
7 again, I don't know what "authorized" -- the
8 definition of "authorized" in the legal realm is.
9 So it says it in the letter.

10 Q. Well, there's nothing in the letter that
11 suggests that you're contemplating taking legal
12 action against the University at that point in time;
13 would you agree with me?

14 A. Yes, I would agree with that.

15 Q. And -- and is it true that you didn't
16 consider that until you engaged Mr. DeRose?

17 A. Correct.

18 Q. Okay. And when did you engage Mr. DeRose?

19 A. Sometime later in 2015, maybe the summer,
20 early summer.

21 Q. June or July of 2015?

22 A. I believe so, yeah, around that time.

23 Q. Do you have an engagement letter with
24 Mr. DeRose?

25 A. If that's a contract, then yes.

1 D. TRAHANAS - VOLUME II

2 Q. Okay. All right. So I'd like to talk to
3 you a little bit about your gmail account. You gave
4 us the address of your gmail account already. And
5 just so that I'm clear, that was the address that
6 you used to apply to medical schools in the 2015
7 cycle; correct?

8 A. That's the address that's in association
9 with my AMCAS application, but you don't use the
10 e-mail address, right, to apply to the schools.

11 Q. Well, you -- you submitted that e-mail
12 address in your AMCAS application; correct?

13 A. Correct.

14 Q. And -- and then in your AMCAS application
15 you identify which schools you are applying to;
16 correct?

17 A. Yes.

18 Q. And AMCAS pushes your information to those
19 schools; correct?

20 A. Yes.

21 Q. Including your gmail address; right?

22 A. I don't get a copy of what the schools get
23 into my gmail account.

24 Q. Okay.

25 A. We -- we put our information into AMCAS.

1 D. TRAHANAS - VOLUME II

2 We pay them, and they distribute it to the schools.

3 Q. Okay. But you do hear back directly from
4 the schools; correct?

5 A. Sometimes yes, sometimes no.

6 Q. How many times have you applied to medical
7 school?

8 A. I believe I already asked and answered
9 this. 2008, 2015, and 2018.

10 Q. Three times only?

11 A. That I can recall, yes.

12 Q. All right. So when you -- and by the way,
13 you know that I asked you to bring your login
14 credentials to your gmail account; correct?

15 MR. DeROSE: And I objected to it.

16 MS. WERMUTH: I understand.

17 BY MS. WERMUTH:

18 Q. I'm asking --

19 MR. DeROSE: All right. Counsel, but I
20 want to make that clear. Go ahead.

21 BY MS. WERMUTH:

22 Q. You understand that I asked you to bring
23 those; correct?

24 A. Yes, I did see that.

25 Q. Okay. And you -- is it your position that

1 D. TRAHANAS - VOLUME II

2 you will not log into your gmail account during this
3 deposition today?

4 A. It is my position that the judge did not
5 grant you access to review my gmails.

6 Q. Okay. So I'm going to -- I disagree with
7 you on the -- what the judge actually ordered,
8 but -- so let me ask you this question.

9 A. Okay.

10 Q. As you sit here today, are you going to
11 allow me to ask you to log into your gmail account?

12 A. That's access by proxy, so no.

13 Q. You're not going to?

14 A. Correct.

15 Q. Okay. So --

16 MR. DeROSE: That's also following the
17 advice of her lawyer, but go ahead.

18 BY MS. WERMUTH:

19 Q. Okay. So let me ask you this, when you log
20 into your gmail account, do you have folders, e-mail
21 folders?

22 A. Folders, I'm not sure -- there is -- are
23 folders the same thing as tabs? Or I guess I can't
24 ask you a question.

25 Can you please be more specific?

1 D. TRAHANAS - VOLUME II

2 Q. Do you have an inbox?

3 A. Yes.

4 Q. Do you have an outbox?

5 A. Yes.

6 Q. Do you have a sent items?

7 A. Yes.

8 Q. Do you have a trash folder?

9 A. Yes.

10 Q. Do you have an archive folder?

11 A. I don't use it. I don't know.

12 Q. You don't know?

13 Do you have -- do you have an important
14 folder?

15 A. I don't recall. It's possible.

16 Q. What about a starred folder?

17 A. I believe so.

18 Q. Do you have an importance folder?

19 MR. DeROSE: Importance as opposed to
20 important?

21 MS. WERMUTH: Important.

22 A. I don't recall.

23 BY MS. WERMUTH:

24 Q. Now, if you -- if you logged into your
25 e-mail here, you could tell me whether or not you

1 D. TRAHANAS - VOLUME II

2 have those folders, right, because you would be able
3 to see your e-mail?

4 A. Probably, yeah.

5 Q. Okay. Do you have a spam folder?

6 A. I don't know if that's a folder.

7 Q. Okay. Can you identify any other folders
8 or categories of e-mails that you have that I
9 haven't gone through?

10 A. I think if you mean by categories, there
11 is, like, promotional type stuff.

12 Q. Okay. Any others?

13 A. But I don't know if that's necessarily what
14 you mean by "folder." That's all I can recall at
15 this time.

16 Q. In connection with your medical school
17 applications, did you create a medical school
18 folder?

19 A. I don't recall.

20 Q. As you sit here today, do you have a folder
21 where you keep your medical school application
22 information in your gmail?

23 A. I don't recall.

24 Q. But if you looked at your gmail account,
25 you could answer that question; correct?

1 D. TRAHANAS - VOLUME II

2 A. I'm not sure.

3 Q. Well, if you looked at it, you could see
4 whether or not you had a folder for your medical
5 school applications; correct?

6 A. Sure, but I wouldn't be able to tell you
7 exactly what's in there by just looking at the
8 folder. Right?

9 Q. That's not what I -- okay.

10 But you could tell me whether or not you
11 had a folder that you designated for medical school
12 applications?

13 A. Yes.

14 Q. Correct?

15 A. Yes.

16 Q. But as you sit here now, you can't answer
17 that question, because you're not going to log in;
18 correct?

19 A. Correct.

20 Q. Are you familiar with gmail settings?

21 A. I'm not sure if we would have the same
22 definition of "familiar," so I'm going to say I'm
23 not sure.

24 Q. Well, tell me what you define settings to
25 be, then.

1 D. TRAHANAS - VOLUME II

2 A. You open up the screen, and maybe your
3 background and, like you said, an inbox folder, a
4 sent folder, and there is a settings icon
5 somewhere --

6 Q. Right.

7 A. -- on the page.

8 Q. Right. And it looks like a little gear.
9 Would you agree with me?

10 A. Yes.

11 Q. And if you click on that little gear, you
12 can change the settings in connection with your
13 gmail account; correct?

14 A. Yes.

15 Q. Okay. And do you -- as you sit here today,
16 can you tell me how your gmail account is set up?

17 A. I have no idea.

18 Q. No idea.

19 Have you ever gone into that settings tool
20 to change your settings in your gmail account?

21 A. It's possible to change a password or a
22 privacy. It's possible.

23 Q. When's the last time you went into settings
24 and made any changes in your gmail account settings?

25 A. I don't -- I don't recall.

1 D. TRAHANAS - VOLUME II

2 Q. Did you -- excuse me.

3 When you threatened -- or when you -- your
4 friend/lawyer Pam Visvardis sent a letter to
5 Dr. Schwulst in February of 2015, at that point in
6 time did you change any of your settings in your
7 gmail account?

8 A. I don't recall.

9 Q. When you filed your charge of
10 discrimination against the University, did you
11 change any settings your gmail account?

12 A. I don't recall.

13 Q. What you filed your lawsuit against
14 Dr. Schwulst and the University, did you change any
15 settings in your gmail account?

16 A. I don't recall.

17 Q. And during the pendency of the litigation,
18 since have you changed the settings in your gmail
19 account?

20 A. I don't recall.

21 MS. WERMUTH: Mark this as 79, please.

22 (Trahanas Exhibit 79 marked for
23 identification.)

24 MR. DeROSE: Thank you, Counsel. Good job.

25 ///

1 D. TRAHANAS - VOLUME II

2 BY MS. WERMUTH:

3 Q. Okay. Ms. Trahanas, I'm showing you a
4 screenshot of a gmail account to see if we can --
5 since -- since we can't see yours, to see if we can
6 get some clarity around some of these issues.

7 So in the -- on the right, upper right
8 corner there is a little sort of circular gear icon.

9 Do you see that?

10 A. The colored one, I'm sorry, or the one with
11 the bell?

12 Q. So underneath the bell.

13 A. Oh, yes.

14 Q. Do you see it looks like a gear?

15 A. Yes.

16 Q. You understand that to be the setting icon;
17 correct?

18 A. Yes, yes.

19 Q. Okay. And when you go to the left, you'll
20 see there is an inbox, a starred box, a snoozed box.

21 Do you see me?

22 A. Yes, I follow.

23 Q. Okay. Sent, drafts, and then there is
24 categories.

25 Do you see all of these on the -- on the

1 D. TRAHANAS - VOLUME II

2 left?

3 A. Yes.

4 Q. Okay. Are there any, as you sit here today
5 looking at these, are there any on the left side
6 here that you don't have in your account?

7 A. Snoozed.

8 Q. You don't have snoozed?

9 A. No.

10 Q. Okay. Any -- any else?

11 A. Categories.

12 Q. So the promotions issue that you talked
13 about before is not in a categories file on your
14 gmail?

15 A. The promotions I was referring to is if you
16 look closer to the top of the page, is if it looks
17 like a tab, that's the promotions I was referring
18 to.

19 Q. Do you see, though, that same word and icon
20 is under categories as well? So do you see how
21 categories has a little arrow, and then there's four
22 sub --

23 A. Oh, yes.

24 Q. -- folders --

25 A. I see that.

1 D. TRAHANAS - VOLUME II

2 Q. -- social, updates, forums, and promotions.

3 So you don't have a categories file? You
4 would just have one that says promotions; is that
5 your testimony?

6 A. I've never noticed it in this format on the
7 left-hand side. I've only see it where it's on the
8 top.

9 Q. Okay. Any other folders or icons along the
10 left that you don't have?

11 A. I don't recall most of these, other than
12 sent, drafts, trash. I've never ever in my life
13 seen "managed labels." So sent, draft. Perhaps
14 there's a starred. I don't know what "less" is.
15 I've never seen that icon. Did I -- I'm not sure if
16 I already said trash, but I've seen that.

17 Q. Inbox you have; correct?

18 A. Yes, inbox.

19 Q. What about chat, do you have gmail chat?

20 A. I don't recall it going a folder.

21 Q. But you do have gmail chat; correct?

22 A. I don't know.

23 Q. Okay. I think your testimony last time
24 indicated that you did.

25 Any other folders that are not listed here

1 D. TRAHANAS - VOLUME II

2 or icons not listed here that you use to organize
3 your e-mails?

4 A. I'm not sure if spam is, like, an automatic
5 default of gmail, but I don't have a folder that
6 I've created. But other than that, I don't -- I
7 don't recognize any other folders.

8 Q. Okay. And are there any folders that you
9 created that are not default gmail accounts that
10 don't show up on this particular exhibit?

11 A. Yes.

12 Q. What are those?

13 A. Workout routines.

14 Q. Any others?

15 A. I don't recall definitively what they are.

16 Q. Do you have any -- well, do you recall
17 generally what any of them are, or might be, if not
18 definitively?

19 A. Something with workout routines, or soccer,
20 nutrition, something like that.

21 Q. No others?

22 A. Not that I recall.

23 Q. What about one in connection with your
24 litigation that's pending currently against
25 Dr. Schwulst and the University?

1 D. TRAHANAS - VOLUME II

2 A. No.

3 Q. What about one related to your work at
4 Northwestern University?

5 A. No.

6 Q. When you were employed at Northwestern
7 University, you had a Northwestern University e-mail
8 account; correct?

9 A. Yes.

10 Q. And you also had a gmail account, correct,
11 that you used for work; correct?

12 A. Yes.

13 Q. And did you somehow connect those two
14 accounts to one another?

15 A. At some point, yes. I don't recall when.

16 Q. And how -- how is it that you did that?

17 A. I don't recall.

18 Q. So as you sit here today, you can't tell me
19 how you connected those two e-mail accounts?

20 A. I would imagine I asked IT at Northwestern
21 to help me with that. I don't know how to do that.

22 Q. And did -- did IT help you connect those
23 e-mail accounts?

24 A. I would be speculating. Like I said, I'm
25 not familiar with it, so I'd rather not assume.

1 D. TRAHANAS - VOLUME II

2 Q. I don't understand your answer. I think
3 you testified that you would have worked with IT to
4 connect the two accounts?

5 A. I don't recall specifically, but if I don't
6 remember how to do any of that, or I don't know,
7 then yes, I probably would have used a resource like
8 that, yes.

9 Q. Did you disconnect those accounts at some
10 point in time?

11 A. Not that I recall, no.

12 Q. And so, is there a way in looking at your
13 gmail to see whether or not there's an import of
14 Northwestern e-mails?

15 A. Not that I know of.

16 Q. When e-mails come in -- strike that.

17 In settings -- strike that.

18 Do you have any filters set up on your
19 incoming e-mail?

20 A. Not that I know of. I don't -- I don't
21 know.

22 Q. Okay. So you don't recall setting up any
23 filters to send particular e-mails to particular
24 places when they come in?

25 A. Correct.

1 D. TRAHANAS - VOLUME II

2 Q. Okay. And do you have any auto delete set
3 up on your e-mail?

4 A. I don't know.

5 Q. And why is it that you don't know?

6 MR. DeROSE: Objection to the form of the
7 question.

8 Counsel, I got to tell you I'm amazed with
9 the familiarity the two of you have with this,
10 but why you don't know something -- go ahead
11 and answer it, if you have any way to answer
12 that.

13 A. I'm not a computer expert, so I can't know
14 every possible setting or default for everything we
15 use.

16 BY MS. WERMUTH:

17 Q. Have you ever gone into your settings to
18 determine what the defaults are on your gmail
19 account?

20 A. I don't recall.

21 Q. And once you initiated legal action, did
22 you go in to your settings to make sure that if
23 there were any defaults, you turned them off so as
24 to not destroy relevant information?

25 A. I don't recall.

1 D. TRAHANAS - VOLUME II

2 Q. And you haven't done that since I took your
3 deposition in January of last year; correct?

4 A. I'm sorry. Can you -- can you repeat that?

5 Q. You haven't -- you said you don't recall,
6 but let me ask you this question: In the last year
7 since I took your deposition, have you gone into
8 your settings to make sure that any auto deletes
9 have been turned off?

10 A. I don't recall.

11 MS. WERMUTH: Can we have this marked,
12 please.

13 (Trahanas Exhibit 80 marked for
14 identification.)

15 MS. WERMUTH: I'm sorry. Got it.

16 MR. DeROSE: Yeah, thank you. And I'm
17 learning a lot, because I don't know half the
18 things you ladies are talking about, but go
19 ahead.

20 MS. WERMUTH: Is this Exhibit 80? Thank
21 you.

22 BY MS. WERMUTH:

23 Q. Okay. So you've been handed, Ms. Trahanas,
24 what's been marked as Exhibit 80. And you see sort
25 of in the -- in the middle of the page near the top

1 D. TRAHANAS - VOLUME II

2 where it says "search e-mail."

3 Do you see that?

4 A. Yes.

5 Q. And then just below that it says
6 "settings."

7 Do you see that?

8 A. Yes.

9 Q. Okay. And then under settings there is
10 several hyperlinks, and you can see that one of them
11 is underlined and in the color blue.

12 Do you see that?

13 A. Yes.

14 Q. Okay. So one of the settings is general,
15 one is labels, one is inbox, one is accounts and
16 imports, filters and blocked addresses, forwarding
17 and POP/IMAP, add-ons and chat.

18 Do you see that?

19 A. Yes, I do.

20 Q. Okay. Have you ever gone into this
21 settings tab to see these hyperlinks?

22 A. It's possible at some point, but I don't
23 recall.

24 Q. Okay. Do you know what POP or IMAP stands
25 for?

1 D. TRAHANAS - VOLUME II

2 A. No.

3 Q. Do you know whether or not POP and IMAP
4 have anything to do with how e-mails are stored on a
5 server?

6 A. No. I have no idea.

7 Q. Okay. And you can see from these two pages
8 that I clicked on that particular link, forwarding
9 and POP/IMAP.

10 Do you see that?

11 A. Yes.

12 Q. Okay. And if you look at POP download, do
13 you see that?

14 A. Yes.

15 Q. Okay. And it allows you to enable POP for
16 all e-mail or for types of e-mail, do you see
17 that -- or based on dates.

18 Do you see that?

19 A. Yes.

20 Q. And you'll see also that you can indicate
21 where POP e-mails ought to be, if you look at number
22 two, where POP e-mails ought to be moved once they
23 are accessed.

24 Do you see that? There is a drop down box
25 there.

1 D. TRAHANAS - VOLUME II

2 A. So number two?

3 Q. Correct.

4 A. When messages are accessed with POP, keep
5 gmail's copy in the inbox. That's what I'm reading.

6 Q. Right.

7 A. Okay. I follow you.

8 Q. And you -- have you ever looked at that?

9 A. Not that I can recall.

10 Q. Have you ever indicated where those
11 messages accessed with POP should be moved once they
12 are accessed?

13 A. Can I ask what POP is or can -- I don't --
14 I can't answer the question, because I'm not sure
15 what POP is.

16 Q. My question is: Have you ever looked at
17 this and directed where those e-mails ought to be
18 located?

19 A. Not that I can remember, no.

20 Q. Okay. Do you see in the next section where
21 it says IMAP access?

22 A. Underneath, yes.

23 Q. Yes.

24 And then, on the next page under IMAP it
25 says, "When I mark a message in IMAP as deleted,"

1 D. TRAHANAS - VOLUME II

2 and then there are options, auto expunge on, auto
3 expunge off.

4 Do you see that?

5 A. I do see.

6 Q. Have you, in connection with this
7 litigation, gone in to see whether or not you have
8 an auto expunge on or off?

9 A. I have never made any adjustments to my
10 gmail to change anything.

11 Q. Anything ever?

12 A. In correlation with this litigation, to
13 change anything in my settings.

14 Q. So in the -- if the default auto expunge is
15 on, you never went in to turn it off?

16 A. I don't recall seeing this. I don't know.

17 Q. I think you just testified that you've
18 never made any changes to your settings in
19 connection with the litigation --

20 A. Right.

21 Q. -- correct?

22 A. I don't recognize this.

23 Q. So you have not turned auto expunge off
24 since filing your lawsuit; correct?

25 A. I -- I can't tell you either way. I don't

1 D. TRAHANAS - VOLUME II

2 know what the default is.

3 Q. Well, it says what the default is, right,
4 auto expunge on; right? It says default at the end
5 of that entry.

6 A. It says -- it says it for this account.
7 I'm not sure if it's different for different gmail
8 accounts.

9 Q. And you didn't bother to go in and look
10 whether or not auto expunge was on or off? Is
11 that -- do I understand your testimony correctly?

12 A. I -- I don't know. I don't recall.

13 Q. Is it I don't know, I don't recall, or I
14 didn't do it, because you've said all three now?
15 Which one is it?

16 A. I'm not sure what the default is, so I
17 can't speak to one or the other. I don't -- I don't
18 recognize this page, as I've said.

19 Q. Okay. Regardless of what the default may
20 be in your gmail, what you're telling me is you
21 didn't bother to look what the default was in your
22 gmail account; correct?

23 A. I was never instructed to look.

24 Q. Okay.

25 A. So . . .

1 D. TRAHANAS - VOLUME II

2 Q. And so, you didn't; correct?

3 A. I don't recall.

4 Q. And as you sit here today, you cannot tell
5 me that you took any measures to make sure that
6 relevant e-mails in your gmail account were not
7 being auto expunged in connection with your legal
8 claims against Dr. Schwulst or the University?

9 A. That's not what I said.

10 Q. That's my question.

11 A. I don't recall what exactly -- my settings
12 there is.

13 Q. Okay. That's not my question.

14 My question is: You did not take any steps
15 in your gmail account to make sure that e-mails that
16 were relevant to the litigation were not being auto
17 expunged; is that fair?

18 A. I don't even know what -- I don't think I
19 understand the question.

20 Q. Setting aside this particular page --

21 A. Okay.

22 Q. -- did you -- when you were thinking about
23 filing claims against Dr. Schwulst, did you go into
24 your gmail account to preserve and make sure that
25 e-mails were not being deleted?

1 D. TRAHANAS - VOLUME II

2 A. As far as I know, if you don't delete
3 something, it doesn't get deleted.

4 Q. Okay. So let me ask you about your
5 deletion practices, then. When e-mails come into
6 your gmail inbox, what do you do with them?

7 A. Can you be more specific?

8 Q. When you get an e-mail to your gmail
9 account, what do you do with it?

10 A. It depends on the e-mail. It depends on
11 the time.

12 Q. Okay. So what are the variety of options
13 that you would do with an e-mail that comes into
14 your gmail account?

15 A. If I happen to see it, and it's important,
16 I might open it. If it's not, I may open it later.
17 I may not ever get to it. I may forget about it.
18 There is a lot of things that people do with
19 e-mails.

20 Q. I'm asking what you do.

21 A. I'm just giving you an example. I'm one of
22 those people. I -- it would depend on the time and
23 where I'm at and what I'm doing.

24 Q. So if it was a work-related e-mail, what
25 would you do with it?

1 D. TRAHANAS - VOLUME II

2 A. At the time that I was at Northwestern or
3 now?

4 Q. When you were at Northwestern and you got a
5 work e-mail, what would you do with it?

6 A. It depends who it was from.

7 Q. Okay.

8 A. So if it was from my superiors, that would
9 take priority.

10 Q. So you would read it?

11 A. More than likely, yes.

12 Q. Yeah.

13 And after you read it, what would you do
14 with it?

15 A. Address whatever they were asking me to do
16 in the e-mail.

17 Q. Okay. What did you do with the e-mail, is
18 my question, not what did you do in response to any
19 instruction? What did you do with the e-mail after
20 you read it?

21 A. With any e-mail or the -- like, I'm not
22 sure which "the e-mail" --

23 Q. We were talking about your work e-mails,
24 weren't we, Ms. Trahanas?

25 A. Sure.

1 D. TRAHANAS - VOLUME II

2 Q. Okay. So you get a work e-mail from one of
3 your superiors, right --

4 A. Okay.

5 Q. -- which is what you said.

6 A. Sure.

7 Q. You will open it and read it, right,
8 because you said you would give priority to that?

9 A. Sometimes yes, but it depends if I was busy
10 that day or not, or where I was, what we were doing,
11 what it was in relation with.

12 Q. Okay. So there would be some e-mails you
13 wouldn't look at at all, even though they were work
14 related, you would never read them; is that your
15 testimony?

16 A. It's possible, but not that I recall, no.

17 Q. Okay. And so, after you read an e-mail
18 from work, I don't care if you read it immediately
19 or an hour later or two days later, once you read an
20 e-mail from work, what did you do with the e-mail?

21 A. I don't know. I mean, I would address
22 what's in the e-mail. If I needed to forward it to
23 somebody, I would forward it. If I needed to reply,
24 I would reply. If I needed to, you know, send it
25 over to Harris, or send it over to Steve, or print

1 D. TRAHANAS - VOLUME II

2 out a result that's from that e-mail, depending on
3 what experiment we were working on, I would print
4 out, you know, the attachment. I don't know.

5 Q. Would you archive it?

6 A. I don't know how to ar- -- no, I don't.

7 Q. Would you delete it?

8 A. If it was -- it's possible I've deleted an
9 e-mail from work while I was at Northwestern. I
10 don't know.

11 Q. Do you have any practices with respect to
12 organizing your gmail e-mails?

13 A. No, I have an inbox.

14 Q. You have an inbox.

15 And do you clean out that inbox from time
16 to time?

17 A. If it's spam mail, yeah, I will delete an
18 e-mail.

19 Q. Okay. What about if it's work related, do
20 you clean out your inbox?

21 A. Again, it depends on the relevancy of the
22 e-mail. If people were e-mailing me nonsense, or
23 Okay, see you in five, or some miniscule thing, then
24 I'd probably end up deleting it. I'm not sure.

25 Q. Would you put it into a folder?

1 D. TRAHANAS - VOLUME II

2 A. It would be in the deleted folder, the
3 trash.

4 Q. Okay. So if you deleted something, it
5 would go into trash?

6 A. I believe, yeah.

7 Q. Okay. Did you organize your e-mails into
8 other types of folders, like these are -- these are
9 experiment-related e-mails?

10 A. No.

11 Q. No. So it would either be in your inbox or
12 in your trash?

13 A. Correct.

14 Q. Okay. And right this minute, can you tell
15 me how far back in time you have e-mails from
16 your -- in your inbox in your gmail account?

17 A. At least until two thousand maybe -- prior
18 to me starting at Northwestern, at least. So I
19 started in June of 2012. I'm not sure if it's that
20 year or the year before. I couldn't tell you.

21 Q. So in your e-mail box right now, your
22 inbox -- I'm sorry. Strike that.

23 In your inbox in your gmail account right
24 this minute you have e-mails dating back, you think,
25 at least until 2012 and maybe earlier?

1 D. TRAHANAS - VOLUME II

2 A. I don't know for sure.

3 Q. Okay. You do know that you have produced
4 e-mails to us in this litigation dating back to
5 2012?

6 A. Correct, that's why I say at least until
7 2012.

8 Q. Okay. And are you familiar with org- --
9 filtering your e-mails from the sender? Do you know
10 how to do that?

11 A. No.

12 Q. Okay. So you don't know how to create a
13 rule that allows you to look at all the e-mails from
14 a particular sender?

15 A. When you say "filter," I would assume that
16 that means block -- like block somehow or redirect
17 it.

18 Q. No, I'm talking more about a sort.

19 So, like, do you know how in gmail to say,
20 okay, I want to see all my e-mails from
21 Dr. Schwulst?

22 A. Sure, you search for it.

23 Q. Beyond searching, do you know that you can
24 apply a rule that allows you to sort by sender?

25 A. In a possible setting, yes.

1 D. TRAHANAS - VOLUME II

2 Q. Okay.

3 A. It's possible.

4 Q. And did you do that in connection with
5 pulling e-mails that were relevant to the document
6 requests that we made in this case?

7 A. I don't recall.

8 Q. How many times have you searched your
9 e-mail in connection with the lawsuit pending in
10 this case?

11 A. I can't give you a number.

12 Q. Can you give me an approximate number?

13 A. I'd be speculating either way, so I'd
14 rather not.

15 Q. Was it one time? Did you search one time?

16 A. I'd be speculating either way, but clearly
17 not one time, no.

18 Q. Was it ten times?

19 A. It was much more than ten.

20 Q. More than ten times?

21 A. Much more.

22 Q. Twenty times?

23 A. Much more.

24 Q. Fifty times?

25 A. Are you saying for a specific thing or are

1 D. TRAHANAS - VOLUME II

2 you saying in general?

3 Q. In connection with the legal claims that
4 you have pending against Dr. Schwulst and
5 Northwestern University, how many times have you
6 searched your gmail account to find relevant
7 e-mails?

8 A. I can't give you a specific number. It's a
9 lot.

10 Q. Is it 50 times?

11 A. It's a lot.

12 Q. So more than 20; yes?

13 A. More than 50, could be more than 100, could
14 be more than 200. I honestly couldn't tell you the
15 number. It's a lot.

16 Q. More than 200 times that you searched your
17 gmail account for relevant e-mails?

18 MR. DeROSE: She said she can't tell you.
19 Counsel, that's not fair. She said she can't
20 tell you.

21 MS. WERMUTH: She's giving me numbers. I'm
22 trying to hone in on the number she's giving
23 me. Please don't instruct her.

24 MR. DeROSE: Well, but please. I don't
25 want you to guess.

1 D. TRAHANAS - VOLUME II

2 But go ahead, Counsel. The way that
3 questioning pattern came out, I think you're
4 asking her to guess, but go ahead. Go ahead,
5 Counsel.

6 BY MS. WERMUTH:

7 Q. Can you give me an approximation of the
8 number of times you searched your gmail account for
9 relevant e-mails in connection with this litigation?

10 A. I can't give you a specific number.

11 Q. Did you document your searches in any way?

12 A. No.

13 Q. Did you confer with your counsel on which
14 search terms you should be using?

15 A. Yes, he --

16 Q. I don't want to know exactly what he
17 told --

18 A. Yeah.

19 Q. -- you, but you did have conversations with
20 your counsel on the topic of search terms?

21 A. On being thorough with my searches, yes.

22 Q. I'm --

23 MR. DeROSE: That's about all I could tell
24 her, by the way. I don't know how to do all
25 this stuff, but go ahead, Counsel.

1 D. TRAHANAS - VOLUME II

2 BY MS. WERMUTH:

3 Q. Okay. I'm not asking about thoroughness.
4 I'm asking about specific search terms.

5 Did you have conversations with your
6 counsel about specific search terms?

7 A. I'm not sure if that's really privileged.

8 MR. DeROSE: And, Counsel, I don't know how
9 to give her search terms, so, but go ahead.

10 And don't guess. If you know an answer,
11 tell her yes or no.

12 MS. WERMUTH: Please don't instruct the
13 witness during the course of the deposition.

14 MR. DeROSE: Counsel, please don't give me
15 instructions of how I shall proceed in this
16 deposition. I've been very patient with you.
17 Go ahead.

18 MS. WERMUTH: You're instructing the
19 witness during the course of the deposition,
20 which is not proper. I'm going to say that.

21 MR. DeROSE: Counsel, please. I don't need
22 your instruction of what's proper. I will try
23 to conform myself to the Federal Rules of
24 Evidence, and I'm trying not to interrupt at
25 all, but you're asking her did I give her

1 D. TRAHANAS - VOLUME II

2 search terms. I can't do it.

3 BY MS. WERMUTH:

4 Q. So the answer is no, you didn't discuss
5 specific search terms with your counsel?

6 A. No, he didn't instruct me on what to
7 search.

8 Q. When did you start using Gchat?

9 A. I don't know.

10 Q. Does it go back as far as 2012, Gchat?

11 A. I don't recall.

12 Q. Do you use the Google Drive at all?

13 A. Yes.

14 Q. And do you back up files on -- on Google
15 Drive?

16 A. No.

17 Q. You've never backed up files on Google
18 Drive?

19 A. I didn't say never, but I -- I don't
20 practice that.

21 Q. Have you ever done that?

22 A. Yes.

23 Q. When was the last time you did that?

24 A. A couple of days ago.

25 Q. Why?

1 D. TRAHANAS - VOLUME II

2 A. For a soccer schedule for work.

3 Q. When was the time before that that you
4 backed up your files on Google Drive?

5 A. I don't know.

6 Q. Did you back up your Google Drive files
7 when you filed your lawsuit against Northwestern and
8 Dr. Schwulst?

9 A. So backed up files and download I think --
10 I'm not sure if -- I want to make sure that we're
11 both on the same page. So are you assuming
12 downloading and -- can you be more specific on
13 downloading versus backing up?

14 Q. I didn't say downloading. I asked you if
15 you backed up files on Google Drive, saved them and
16 backed them up so that they were preserved. Did you
17 do that?

18 A. Yes, save files on Google Drive, yes.

19 Q. And did you back up those files to make
20 sure that they stayed intact?

21 A. They are in Google Drive. That's where
22 they are.

23 Q. And your e-mail is connected to Google
24 Drive; correct?

25 A. It's connected to Google. I don't know

1 D. TRAHANAS - VOLUME II

2 necessarily it's connected to the gmail account.

3 Q. And you didn't bother to check; correct?

4 A. It's available to me. I mean, it's there.
5 That's how I checked, I guess.

6 Q. Have you been backing up your e-mails on
7 Google Drive?

8 A. No.

9 Q. You've never done that?

10 A. No.

11 Q. When you were applying to medical school,
12 how frequently were you checking your gmail account
13 in 2014 and 2015?

14 A. It was my primary means of communication
15 for work, so I would assume once a day.

16 Q. Okay. And -- and did you have a process
17 for going through your e-mails when you looked at it
18 at least once a day?

19 A. Like I said, I would try and prioritize it,
20 especially if it was a busy day, like an
21 experimental day.

22 Q. Okay. And what if you got e-mails from a
23 medical school in that late 2014/early 2015 time
24 frame, what did you do with those e-mails? Would
25 you review them?

1 D. TRAHANAS - VOLUME II

2 A. I'm -- yes, I suppose.

3 Q. And you did get e-mails from the schools
4 that you were applying to, correct, in 2014 and
5 2015?

6 A. I don't recall which schools gave me
7 e-mails.

8 Q. That's not my question.

9 You did get e-mails from some of the
10 schools you applied to in 2014 and 2015; correct?

11 A. Yes.

12 Q. Okay. And you would review those e-mails;
13 right?

14 A. I would think so, yes.

15 Q. Yeah, because they are giving you important
16 information about your application typically; right?

17 A. Sometimes they are sending you
18 advertisements about other programs, but yes.

19 Q. Okay. But they might be sending you
20 information about, Hey, we want to invite you to
21 submit a secondary application, and the deadline is
22 X date; right?

23 A. Yes.

24 Q. Okay. So that's an important e-mail from a
25 medical school; right?

1 D. TRAHANAS - VOLUME II

2 A. Yes.

3 Q. Because if you don't submit your secondary
4 application on time, you are no longer considered a
5 candidate; correct?

6 A. I don't agree with that statement.

7 Q. Okay. So has any school that you applied
8 to told you that you could submit your secondary
9 application after the deadline and still be
10 considered a candidate?

11 A. I know schools that will reject you, and
12 you can still get an invitation right before the
13 matriculation of that class.

14 Q. An invitation for what?

15 A. To matriculate into their program.

16 Q. So you're telling me that a school will
17 reject a candidate and then later send that
18 candidate a letter or an e-mail accepting them?

19 A. Yes.

20 Q. Has that ever happened to you?

21 A. No.

22 Q. What school do you know does that?

23 A. They were both in the south. I can't
24 exactly tell you which schools they are.

25 Q. And how do you know that two schools in the

D. TRAHANAS - VOLUME II

south do that?

A. Two friends of mine got e-mails.

Q. After they were already rejected?

A. Correct.

Q. Were they two schools that you applied to?

A. No, I don't believe so. I don't recall.

Q. And -- and just so I'm clear, you typically did one of two things with your e-mails when you get them, you either put them in -- you leave them in your inbox, or you put them in trash; is that right?

A. Yes, to the best of my recollection, yes.

Q. Okay. Is there anywhere else you would have put them, other than trash or leave them in your inbox?

A. Not that I recall.

Q. And do you have any process for going through your trash items on any periodic basis?

A. No routine process, no.

Q. And since this litigation has started, have you gone in and cleaned out your trash box and permanently deleted any e-mails?

A. Can you be more specific?

Q. Since -- since February of 2016, have you permanently deleted any e-mails from your trash box?

1 D. TRAHANAS - VOLUME II

2 A. Yes.

3 Q. When?

4 A. I'm not sure. I got a couple viral type
5 of, like, spam messages that I immediately
6 permanently deleted, because it was like a
7 phishing/hacking scam, and I clicked on one, so I
8 didn't want to continue downloading -- I didn't want
9 them to infect the computer, so I deleted that. I
10 don't recall a time.

11 Q. Okay. Have you permanently deleted any
12 e-mails from the medical schools that you applied to
13 in the 2015 cycle?

14 A. From -- like ever? Can you please be more
15 specific? I'm sorry.

16 Q. How many schools did you apply to in the
17 2015 cycle?

18 A. Fifteen.

19 Q. And you got e-mails from some of those
20 schools; correct?

21 A. Yes, from some of the schools, yes, it's
22 possible.

23 Q. And when you got those e-mails, what did
24 you do with them?

25 A. I don't recall.

1 D. TRAHANAS - VOLUME II

2 Q. Did you permanently delete any of those
3 e-mails?

4 A. Yes.

5 Q. Why?

6 A. You don't have access to -- secondary
7 applications are on a time frame, so some schools
8 give you a rejection within your secondary
9 application, so you don't necessarily get a
10 rejection letter. Some schools won't even send you
11 a letter. Some schools will call you, and some
12 schools will mail you letters. So I don't know
13 which schools did what.

14 Q. Okay. But here's my question: Why did you
15 permanently delete e-mails from the schools that
16 sent you e-mails? You said you permanently deleted
17 some. Why?

18 A. I can't tell you why at the time. I don't
19 know.

20 Q. When did you permanently delete e-mails
21 from medical schools that sent you e-mails?

22 A. I don't recall a time. If you remember
23 correctly, I was seeing a psychiatrist eight times
24 in two months. It was a very stressful time. I
25 don't recall.

1 D. TRAHANAS - VOLUME II

2 Q. I don't know what time period you're
3 talking about. Can you tell me?

4 A. December, January.

5 Q. Okay. So you're saying you don't recall if
6 you permanently deleted e-mails during that point in
7 time?

8 A. I don't recall which schools or -- yes.

9 Q. Okay. So let's go through the schools
10 then, since you can't recall.

11 MR. DeROSE: How long have we been going
12 now?

13 MS. WERMUTH: About an hour fifteen. Do
14 you want a break?

15 MR. DeROSE: Yeah, let's take a break.

16 VIDEOGRAPHER: Ending disc number one of
17 the deposition of Diane Trahanas. Off the
18 record at 11:21 A.M.

19 (Recess taken from 11:21 A.M. to
20 11:47 A.M.)

21 VIDEOGRAPHER: And beginning disc number
22 two of the deposition of Diane Trahanas. We're
23 back on the record at 11:47 A.M.

24 MS. WERMUTH: Okay. Before I continue the
25 examination, can I get this marked, please, as

1 D. TRAHANAS - VOLUME II

2 Exhibit 81.

3 (Trahanas Exhibit 81 marked for
4 identification.)

5 THE WITNESS: I got it, John.

6 MR. DeROSE: That's all right. I can get
7 it.

8 MS. WERMUTH: So I just want it clear on
9 the record that this is the dep -- Exhibit 81
10 is the deposition notice that we served in this
11 case which does indicate that it would be
12 recorded before a court reporter and a
13 videographer.

14 MR. DeROSE: And I do acknowledge that,
15 Counsel. I got to read more carefully.

16 MS. WERMUTH: No worries.

17 BY MS. WERMUTH:

18 Q. All right. Ms. Trahanas, before we broke
19 you were -- you had told me that two of your friends
20 were admitted to medical school after initially
21 being rejected from medical school.

22 Do you remember that testimony?

23 A. I did not say they were admitted.

24 Q. Oh, you didn't say that?

25 A. No, I said that they were offered.

1 D. TRAHANAS - VOLUME II

2 Q. Offered what?

3 A. An invitation to matriculate.

4 Q. They were offered admission?

5 A. Yes, but they did not accept.

6 Q. Okay.

7 A. They did not go.

8 Q. They were offered admission?

9 A. Right, after their rejection, correct.

10 Q. After being rejected?

11 A. Correct.

12 Q. Not after being wait listed, but after
13 being rejected?

14 A. Correct.

15 Q. And those were osteopathic or allopathic
16 school?

17 A. M.D. schools, so allopathic.

18 Q. And you can't remember the names of the
19 schools?

20 A. Not at this time.

21 Q. Can you tell me your friends' names?

22 A. Can I talk to my counsel?

23 MR. DeROSE: Tell them the names. They are
24 not going to investigate this. Tell them the
25 names.

1 D. TRAHANAS - VOLUME II

2 THE WITNESS: I don't want to get them
3 involved.

4 MR. DeROSE: They are not involved. Give
5 them the names, please.

6 A. Peter Gerginis.

7 BY MS. WERMUTH:

8 Q. How do you spell that last name?

9 A. G-e-r-g-i-n-i-s.

10 Q. The other person?

11 A. It was his friend. I don't know his first
12 and last name.

13 Q. It was Peter's friend?

14 A. Yes.

15 Q. And it was two different schools, or they
16 were accepted or offered admission to the same
17 school?

18 A. I don't recall. I know it was somewhere in
19 the south.

20 Q. So you don't know if it was one school or
21 two schools?

22 A. I don't remember.

23 Q. And is Peter Gerginis in medical school
24 now?

25 A. He is doing a residency now.

D. TRAHANAS - VOLUME II

Q. Okay. So he did go to medical school?

A. Yes.

Q. Where did he go to medical school?

A. He -- I don't know which medical school exactly he went to, but it was somewhere in the Dominican, but he studied in London, and he is an anesthesiology -- anesthesiology resident --

Q. Where?

A. -- currently. I don't know where.

Q. Do you stay in touch with him?

A. From time to time.

Q. By what means?

A. Social gatherings.

Q. Do you have his e-mail address?

A. I don't have his e-mail.

Q. Do you have his cell phone number?

A. I don't know it, but I could get it.

Q. You can get it.

Do you have his address?

A. No.

Q. And how do you know Peter?

A. A family friend.

Q. And Peter's friend, male or female?

A. Male.

1 D. TRAHANAS - VOLUME II

2 Q. And have you met this individual?

3 A. Yes.

4 Q. Where?

5 A. It was a social gathering -- a Greek social
6 gathering.

7 Q. Where?

8 A. In the city. I don't remember the venue.

9 Q. When?

10 A. A year or two ago.

11 Q. And did the friend end up going to medical
12 school?

13 A. I don't know.

14 Q. And how is it that you learned that Peter
15 and his friend were rejected and subsequently
16 offered admission?

17 A. We had a conversation about it.

18 Q. When?

19 A. At the time of the event.

20 Q. The social gathering you're talking about?

21 A. Yes.

22 Q. And that was in Chicago?

23 A. Yes.

24 Q. Where in Chicago?

25 A. I don't know. I believe I already answered

1 D. TRAHANAS - VOLUME II

2 that.

3 MR. DeROSE: And, Counsel, we do agree that
4 this is supposed to be a deposition about my
5 client's searches. You know, so I do ask that
6 you try to stay in what the court talked about.
7 This is not a discovery deposition.

8 MS. WERMUTH: I understand, but she also --
9 first of all, it's not just the searches. We
10 already discussed that this morning. But she
11 opened the door on this, so I'm just -- I'm
12 just closing out this line of inquiry.

13 I mean, she offered this in connection with
14 a question that I didn't pose. So because she
15 offered it, I'm just going to ask her some
16 follow-up questions about it.

17 BY MS. WERMUTH:

18 Q. When -- so just so I'm clear, you remember
19 that the social gathering was one or two years ago
20 in Chicago, you just don't remember the actual venue
21 or location?

22 A. Correct.

23 Q. And do you know -- do you recall what the
24 purpose of the gathering was?

25 MR. DeROSE: Objection. Don't answer the

1 D. TRAHANAS - VOLUME II

2 question.

3 BY MS. WERMUTH:

4 Q. Are you going to follow your lawyer's
5 advice?

6 A. I am going to take my legal counsel's
7 advice.

8 Q. When you say a school in the south, do you
9 mean the southern United States or do you mean
10 outside of the U.S.?

11 MR. DeROSE: Don't answer the question.

12 BY MS. WERMUTH:

13 Q. Are you going to follow that instruction?

14 A. I'm taking legal counsel's advice, correct.

15 Q. Was it a school in the Caribbean?

16 MR. DeROSE: Do not answer the question.

17 MS. WERMUTH: All right. Then I will move
18 to strike the testimony about the two
19 individuals getting accepted, because if I
20 can't learn where they got accepted from, she
21 can't use that in her -- in her motion.

22 MR. DeROSE: Fine, Counsel. You can make
23 the motion. Do whatever you want. Go ahead.

24 MS. WERMUTH: Yeah, I will. I have. I've
25 made the motion to strike.

1 D. TRAHANAS - VOLUME II

2 MR. DeROSE: You have to bring it up to a
3 judge, because none of us are going to strike
4 it for you, but go ahead.

5 BY MS. WERMUTH:

6 Q. Before we broke, Ms. Trahanas, you
7 testified that it was your practice to, and tell me
8 if I'm wrong, to permanently delete spam that you
9 felt could potentially cause some sort of viral
10 infection in your computer. Do I understand that
11 correctly?

12 A. Yes.

13 Q. Okay. And did you have any practices with
14 respect to permanent deletions of other types of
15 e-mails?

16 A. I'm sorry. Can you read back the first
17 part of that question?

18 (Record was read as requested.)

19 A. I don't have a set protocol on practices of
20 deletion of e-mails, no.

21 Q. Okay. But you didn't suspend any of your
22 deletion practices when you were involved in the
23 litigation; correct?

24 A. Can you be more specific?

25 Q. You didn't stop permanently deleting

1 D. TRAHANAS - VOLUME II

2 e-mails after February of 2015; correct?

3 A. I'd still ask you to be a little more
4 specific.

5 Q. Have you permanently deleted any e-mails
6 since February of 2015 from your gmail account?

7 MR. DeROSE: Counsel, could you say -- can
8 you ask it with respect to this case?

9 MS. WERMUTH: No.

10 MR. DeROSE: Because that's what we are
11 here about.

12 MS. WERMUTH: I will get there. This is my
13 question. This is my deposition.

14 BY MS. WERMUTH:

15 Q. Have you permanently deleted any e-mails
16 from your gmail account since February of 2015?

17 A. Yes.

18 Q. What e-mails?

19 A. Like I said earlier, any sort of spam or
20 excessive promotional advertisements, maybe
21 anything -- like an invitation or like a Facebook
22 things that says that it's someone's birthday.

23 Q. Okay.

24 A. Trash, basically.

25 Q. Have you permanently deleted since February

1 D. TRAHANAS - VOLUME II

2 of 2015 any e-mails to or from AMCAS?

3 A. I don't recall what -- can you be more
4 specific?

5 Q. You receive -- in connection with your
6 medical school applications in 20 -- for the 2015
7 cycle and the 2018 cycle, you received e-mails from
8 AMCAS; correct?

9 A. Yes.

10 Q. Yes.

11 Have you permanently deleted any of those
12 e-mails?

13 A. No.

14 Q. None of them?

15 A. No.

16 Q. And so, if you went into your inbox and
17 used a search term AMCAS, you would -- you would
18 discover many e-mails; yes?

19 A. Any e-mails that I have found, I have
20 produced to you. I gave to my lawyer, and he gave
21 to you.

22 Q. That's not my question.

23 If you went into your inbox and used a
24 search term AMCAS, how many e-mails would you find?

25 A. I don't know.

1 D. TRAHANAS - VOLUME II

2 Q. And did you ever use the search term AMCAS
3 in your inbox?

4 A. I'm sure I did. I don't recall the dates
5 of that search.

6 Q. Did you search the term AMCAS in your sent
7 items?

8 A. You search AMCAS, everything comes up.

9 Q. Did you search -- so the answer is yes, you
10 searched in your sent items; is that right?

11 A. Yes.

12 Q. And you searched the term AMCAS in your
13 trash items as well?

14 A. Yes.

15 Q. And in connection with your deposition
16 today you were asked certain discovery questions; is
17 that right, Ms. Trahanas?

18 A. Yes.

19 MS. WERMUTH: Can we have this marked,
20 please.

21 (Trahanas Exhibit 82 marked for
22 identification.)

23 MS. WERMUTH: I'm sorry.

24 MR. DeROSE: That's okay.

25 MS. WERMUTH: Is that better?

1 D. TRAHANAS - VOLUME II

2 MR. DeROSE: Yes.

3 BY MS. WERMUTH:

4 Q. Okay. You've been handed what's been
5 marked as Deposition Exhibit 82.

6 Do you recognize this document?

7 A. It's possible I've seen it. I . . .

8 Q. Did you see the questions, at least, if not
9 the responses?

10 A. Oh, yes.

11 Q. Right?

12 A. I'm sorry. I thought this -- I'm sorry.
13 Yes, yes. I thought this was something else.

14 Q. So you have seen this before?

15 A. Yes, yes.

16 Q. Okay. And so, in -- in connection with the
17 third request on the last page, where we asked for
18 the searches that you performed in your gmail
19 account --

20 A. I see that.

21 Q. -- specifically for e-mails to and/or from
22 medical schools to which you applied in the 2015 and
23 2018 cycles, you responded that you do not remember
24 the variations on the words you used, but that you
25 believe that you used obvious words like university,

1 D. TRAHANAS - VOLUME II

2 Northwestern, Schwulst, et cetera.

3 What does "et cetera" mean?

4 MR. DeROSE: What does "et cetera" mean? I
5 typed it. You don't know what that word means?
6 Counsel, this is --

7 MS. WERMUTH: No, no, no.

8 BY MS. WERMUTH:

9 Q. In this connection what -- she is -- I'm
10 asking for search terms, university, Northwestern,
11 Schwulst, et cetera.

12 So what are the other search terms
13 comprised in the word "et cetera"?

14 MR. DeROSE: Oh, that's a different
15 question.

16 BY MS. WERMUTH:

17 Q. What are the search terms?

18 A. These would be examples. So I don't want
19 my testimony to be mischaracterized, because I've
20 seen that in letters before. These are examples.
21 It doesn't just mean only them.

22 Q. Then why didn't you give us a complete
23 answer?

24 A. I'm trying to give you as much as I can
25 recall. An example would be Dr. Steven Schwulst,

1 D. TRAHANAS - VOLUME II

2 Steve Schwulst, Steve J. Schwulst, Schwulst, M.D.

3 Dr. Harris Perlman, Perlman, Perlman lab.

4 Q. Why didn't you give us all of those
5 iterations here?

6 MR. DeROSE: Counsel, do you see who signed
7 this? I'm the one who prepared that. That's
8 not a fair question. I wrote that.

9 MS. WERMUTH: Counsel, your witness helped
10 you prepare this answer, because you've said on
11 the record that you don't know what search
12 terms she used. So I'm asking her to tell me.
13 She clearly gave you the information to prepare
14 this answer. These are fair questions. This
15 is about the e-mail searches. I need to know
16 what --

17 MR. DeROSE: But your question was why
18 didn't you write it down here. She didn't
19 write this. I wrote it, Counsel. Please, just
20 ask her what other terms. I don't have any
21 problem with that, but don't ask her why did
22 she not put them in here. I wrote this.

23 MS. WERMUTH: I can certainly ask that.

24 BY MS. WERMUTH:

25 Q. But why don't you tell me every single term

1 D. TRAHANAS - VOLUME II

2 that you remember searching in your gmail, and which
3 boxes you search in?

4 A. Like it says here -- I mean, I can give you
5 all the obvious ones. Whether there were
6 variations, or derivatives, or even after -- you had
7 requested after my deposition a lot of, you know,
8 follow-up items, I searched for those. After each
9 deposition, if there was something said by
10 Dr. Perlman, I searched for something that I may
11 have read in his deposition or heard, like -- excuse
12 me, like lab invitation, lab party invitation,
13 Perlman lab, Harris lab, lab personnel, laboratory,
14 Schwulst lab, Schwulst laboratory, every person that
15 I ever met or worked with in both the Perlman or
16 Schwulst laboratory.

17 I would say keywords for the research
18 projects we were doing, like flow cytometry, flow
19 cytometer. I had gone to San Diego for a lecture
20 and for also a conference, so shock society, shock
21 journal, publications, published, anything that's
22 probably on my CV, Northwestern, that's in here,
23 though, University of, stereotaxic. We had gone to
24 Michigan for a stereotaxic, I guess, introductory
25 course with a Ph.D. doctor there, so Michigan.

D. TRAHANAS - VOLUME II

1 D. TRAHANAS - VOLUME II
2 You had asked me for a job search at one
3 point, so things like job, job opportunity,
4 employment, employment opportunity, taxes, because
5 you had asked for my tax records, places that I
6 thought that maybe I had applied to, like the
7 University of Illinois at Chicago, Rush University,
8 Abbvie, Abbott, any local labs, Pfizer,
9 pharmaceutical, pharmaceutical sales, research tech,
10 research technician, research technician probably
11 with every number after that, maybe three or four,
12 lab manager, managerial, lab managerial.

13 These are all examples. AMCAS, AMCAS
14 applications, all the schools that were on my list
15 of AMCAS that I had applied to, Dr. Debra
16 Goldstein's -- I'm sorry, Goldstein's name, letter
17 of evaluation, Sasha, because -- that's Alexander
18 Misharin, but we also called him Sasha, any probably
19 supplies to do with the lab, lab supply, order,
20 mouse, mouse order, procurement, Holly, because she
21 was the procurement person that I had dealt with,
22 addresses, like 676 was Dr. Schwulst's office,
23 Huron, that was the street that our building was on,
24 Fienberg, Fienberg School of Medicine, Northwestern
25 Memorial, anything to do with the hospital. These

1 D. TRAHANAS - VOLUME II

2 are examples.

3 BY MS. WERMUTH:

4 Q. And you didn't document any of your
5 searches?

6 A. No.

7 Q. And for all of the search terms that you
8 just identified, tell me where in your gmail account
9 you searched?

10 A. Everywhere.

11 Q. Tell me.

12 A. You type it in the search bar, it will come
13 up. It will bring up the folder that any one of
14 those terms is in.

15 Q. So if it -- so you search -- it's your
16 testimony that you used those terms in your
17 search -- I'm sorry, in your trash folder?

18 A. Yes, everywhere, yes.

19 Q. In your sent folder?

20 A. Yes.

21 Q. In your inbox?

22 A. Correct.

23 Q. And you don't know what other folders you
24 had other than those?

25 A. Well, if you type in the search criteria,

1 D. TRAHANAS - VOLUME II

2 it will open up every folder regardless of what
3 folder it's in. So if it hits, you know, let's say
4 Dr. Perlman, it's going to bring up the e-mails that
5 are in trash, sent, inbox.

6 Q. And if your -- if your account was set up
7 for default to archive, would the archive e-mails
8 come up as well?

9 A. I don't know that I have -- I don't know.

10 Q. And the only way for us to know what your
11 settings are is for us to actually look at your
12 account; right?

13 A. I don't -- I don't know if there is a
14 default for that or not.

15 Q. Right.

16 And the only way you could answer that
17 question is if you looked at your account, right, to
18 see whether or not your settings are set up for
19 default?

20 A. It's possible, yes.

21 Q. Well, if you looked at your account, you
22 could see what your settings are; correct?

23 A. Yes.

24 Q. Right.

25 And you're not going to do that today;

1 D. TRAHANAS - VOLUME II

2 correct?

3 MR. DeROSE: The judge ordered that we
4 didn't have to do that.

5 MS. WERMUTH: I disagree with your
6 characterization. I'm asking her the question.

7 MR. DeROSE: All right.

8 BY MS. WERMUTH:

9 Q. You're not going to do that today?

10 MR. DeROSE: You asked the question. She's
11 following her lawyer's advice.

12 Do not answer the question.

13 MS. WERMUTH: She can answer the question
14 that, no, she is going to follow her lawyer's
15 advice and not open up her gmail account.

16 Right?

17 MR. DeROSE: Go ahead and answer the
18 question.

19 A. I mean, I already answered it, but no,
20 that's correct. I will follow my lawyer's advice.

21 BY MS. WERMUTH:

22 Q. Now, before we went on break, we were going
23 to start looking at e-mails from the medical schools
24 you applied to. And your testimony was that there
25 was a lot going on in December and January of 2014

1 D. TRAHANAS - VOLUME II

2 and 2015 that you don't recall because you were
3 seeing a psychiatrist.

4 Do you remember that testimony?

5 A. I'm not sure if that's verbatim, but
6 that's -- might be paraphrasing it, yes.

7 MS. WERMUTH: Can we go -- can we go back
8 and look at what her testimony was about seeing
9 a psychiatrist.

10 (Record was read as follows: "Q. When did
11 you permanently delete e-mails from medical
12 schools that sent you e-mails? A. I don't
13 recall a time. If you remember correctly, I
14 was seeing a psychiatrist eight times in two
15 months. It was a very stressful time. I don't
16 recall.")

17 BY MS. WERMUTH:

18 Q. Is it your testimony that because
19 December 2014 and January 2015 was a stressful time,
20 you have difficulty recalling what happened during
21 those two months?

22 A. Can you please be more specific?

23 Q. Do you have difficulty recalling -- strike
24 that.

25 MS. WERMUTH: Can you just read my question

1 D. TRAHANAS - VOLUME II

2 back. I don't know how to be more specific.

3 (Record was read as requested.)

4 A. I would have difficulty with recalling
5 specific e-mails or papers or notes in the lab I
6 took, or anything like that, but I can't not recall
7 everything that was going on at that time.

8 Q. Can you recall getting e-mails from medical
9 schools that you applied to in November and December
10 of 2014?

11 A. Yes.

12 Q. Okay. So you do remember that?

13 A. I remember getting e-mails.

14 MS. WERMUTH: Can we mark this, please.

15 (Trahanas Exhibit 83 marked for
16 identification.)

17 BY MS. WERMUTH:

18 Q. All right. So, Ms. Trahanas, you know that
19 we, at your counsel's urging, subpoenaed the medical
20 schools that you applied to for the 2015 cycle?

21 A. Yes.

22 Q. Okay. And so, what I -- what's marked now
23 as Exhibit 83 is a set of materials that we received
24 from University of Central Florida in connection
25 with the subpoena we sent to that school. Okay?

1 D. TRAHANAS - VOLUME II

2 A. Okay.

3 Q. All right. And according to the materials,
4 and I'm directing your attention to the page that's
5 Bates labeled Trahanas-NU11725.

6 A. Okay. I'm on that page.

7 Q. Okay. So according to the materials we
8 received from University of Central Florida, they
9 had your e-mail address as diane.trahanas@gmail.com.

10 Do you see that?

11 A. Yes, I do.

12 Q. Okay. And that is the gmail address that
13 you testified to already today; correct?

14 A. Correct.

15 Q. Okay. And then if you turn to
16 Page 11740 --

17 MR. DeROSE: Give me a second to get there,
18 Counsel.

19 MS. WERMUTH: Certainly. Second-to-last
20 page.

21 MR. DeROSE: Okay. That helps. Go ahead.
22 I'm there. I'm sorry.

23 BY MS. WERMUTH:

24 Q. Okay. You'll see on this page that
25 there's -- in the AMCAS report there is a

1 D. TRAHANAS - VOLUME II

2 transaction history.

3 Do you see that?

4 A. Yes.

5 Q. And is this the sort of thing that if you
6 logged into your AMCAS account, you could see a
7 transaction history from each school?

8 A. I have never seen this before -- no. A
9 transaction history? No.

10 Q. You can't see that when you log into your
11 AMCAS?

12 A. I've given you the AMCAS application from
13 that cycle in 2018, and this is not in there.

14 Q. That's not my question. Because what you
15 gave me was a snapshot in time, your application at
16 a snapshot in time.

17 I'm asking you if you go in -- if you --
18 for example, if you went into your AMCAS account in
19 March of 2015, could you see a transaction history
20 from each school?

21 A. I -- I don't know.

22 Q. And you didn't look for that when we asked
23 you for information about your medical school
24 application materials?

25 A. I don't know if this is available to us.

1 D. TRAHANAS - VOLUME II

2 Q. I understand that, but you didn't look is
3 my question. Right? You didn't -- so when we gave
4 you a discovery request for information related to
5 your medical school, you didn't log back into your
6 AMCAS account to look at what was in there to see
7 whether or not it was responsive to our request?

8 A. I did, because I had to print out for you
9 the 2018 application.

10 Q. Did you do that for 2015, though?

11 A. I don't recall.

12 Q. All right. And if you look at this
13 transaction history with central -- University of
14 Central Florida, you'll see there are a variety of
15 entries dated November 17th and November 18th of
16 2014 with respect to rejecting your application.

17 Do you see that?

18 A. Yes.

19 Q. Okay. And then -- and then there's an
20 entry on December 11th of 2014, which says,
21 "Admission status: Rejected, not yet entered on
22 spreadsheet."

23 Do you see that?

24 A. I do see that.

25 Q. Okay. So according to these records from

1 D. TRAHANAS - VOLUME II

2 University of Central Florida, you were rejected on
3 or about December 11th of 2015 at the latest;
4 correct?

5 A. Yeah, as it states on this piece, yes.

6 Q. Okay.

7 MR. DeROSE: Objection, counsel.

8 MS. WERMUTH: I said 2014.

9 MR. DeROSE: Excuse me, Counsel. We don't
10 know if not entered -- "not yet entered on
11 spreadsheets" mean they notified her.

12 MS. WERMUTH: That's not my question.

13 MR. DeROSE: I know it's not your question,
14 but --

15 MS. WERMUTH: And now you're giving -- now
16 you are instructing the witness again.

17 MR. DeROSE: No, I'm not instructing her of
18 anything. I want to make sure this record is
19 clear. If they don't even have it on their
20 spreadsheets, it doesn't mean that she was
21 notified she was rejected.

22 MS. WERMUTH: Can I finish -- that's just
23 pure argument. You can make that argument in
24 briefing, okay.

25 ///

1 D. TRAHANAS - VOLUME II

2 BY MS. WERMUTH:

3 Q. I'd like to turn to the next page, please.

4 MR. DeROSE: And, Counsel, excuse me, but
5 you seem to have a practice of not allowing me
6 to finish making my record. These are very
7 important dates for all of us. Okay.

8 MS. WERMUTH: You can object. Of course
9 you can object.

10 MR. DeROSE: All right. Then let me make
11 my record.

12 MS. WERMUTH: The problem is when you make
13 an argumentative objection, it instructs the
14 witness, and there is case law on that. You
15 need to object and state the grounds, but not
16 give argument.

17 MR. DeROSE: All right. Counsel, go ahead.
18 I don't mean to be obstrep- -- obstreperous.
19 Go ahead.

20 MS. WERMUTH: Thank you.

21 BY MS. WERMUTH:

22 Q. The next page, please, 11741.

23 A. Okay. I'm there.

24 Q. Okay. You see this document, do you not?

25 A. Yes, it's in front of me.

1 D. TRAHANAS - VOLUME II

2 Q. And the first two sentences say, "The
3 following is an e-mail that is housed within the
4 AMCAS system."

5 Do you see that?

6 A. Yes.

7 Q. It was sent from the ucf.com e-mail address
8 to the applicant on November 18th, 2014, at
9 8:55 A.M.

10 Do you see that?

11 A. Yes.

12 Q. So according to University of Central
13 Florida, they sent you an e-mail on November 18th of
14 2014 at 8:55 in the morning; correct?

15 A. Yes, that's what it says, yes.

16 Q. And then the content of the e-mail follows.

17 Do you see that?

18 A. Yes.

19 Q. So according to University of Central
20 Michigan -- I'm sorry, Central Florida's records,
21 they e-mailed you on November 18th of 2014 telling
22 you that you were rejected; is that right?

23 A. I'll agree that it says that here, but
24 based on the page that we just looked at on NU11740,
25 the dates don't coincide.

1 D. TRAHANAS - VOLUME II

2 Q. Well, it certainly says that on
3 November 18th there was a preliminary objection;
4 right?

5 MR. DeROSE: A preliminary objection or
6 rejection?

7 MS. WERMUTH: Rejection.

8 BY MS. WERMUTH:

9 Q. Do you see that, the third -- the third
10 entry under "transaction history"?

11 A. Yes, I see. There is three on that date,
12 so I'm just looking at all three.

13 Q. But the third one says, "Admission action:
14 Preliminary rejection"; right?

15 A. Yes, the --

16 Q. Is it your testimony that you did not
17 receive the e-mail on Page 11741?

18 A. I don't recall.

19 Q. Did you search UCF in your gmail account?

20 A. I searched UCF. I searched University of
21 Central Florida. I searched whatever University of
22 Central Florida's medical school is in association
23 with that on my AMCAS list.

24 Q. Now, it -- this -- this report on
25 Page 11741 also tells us that this e-mail is housed

1 D. TRAHANAS - VOLUME II

2 within the AMCAS system.

3 Do you see that?

4 A. Yes, at the top.

5 Q. Did you search the -- your AMCAS materials
6 for UCF?

7 A. The am -- I've never received an e-mail via
8 AMCAS system.

9 Q. That's not -- yes, you have. You've
10 produced e-mails from AMCAS; right?

11 A. Like an am -- so how I'm reading this is as
12 AMCAS is acting like a gmail account, so that am --
13 so this is -- this e-mail is provided on an AMCAS
14 forum, just like an e-mail is provided on a gmail
15 forum. I've never seen an e-mail from an AMCAS
16 forum.

17 Q. Okay. So I don't know if you're
18 interpreting it correctly. My question is this --
19 let me ask you this: If you're sitting here right
20 now, can you log into the AMCAS website and see your
21 old application materials?

22 A. Yes, but I -- yeah. Yes, it's possible.

23 Q. Okay. And did you, in connection with the
24 discovery requests that were served in this
25 litigation, go into your AMCAS account online to

1 D. TRAHANAS - VOLUME II

2 search for any transaction history or any
3 communications from the schools that you applied to
4 in the 2015 cycle?

5 A. Anything that had to do with the 2015 or
6 2018 cycle I searched on AMCAS.

7 Q. When?

8 A. When the requests were submitted, when we
9 were supposed to, after interrogatories at some
10 point.

11 Q. How many times did you search am -- your
12 AMCAS materials online through -- through AMCAS's
13 website?

14 A. I don't recall.

15 Q. Is it your testimony that you did not
16 receive this e-mail from the University of Central
17 Florida in 11741?

18 A. I don't -- I don't recall.

19 Q. Do you have any reason to believe that
20 University of Central Florida did not reject your
21 application in 2014?

22 A. I'm sorry. Could you read that back?

23 (Record was read as requested.)

24 A. I don't know.

25 Q. So in the 2015 cycle you were applying to

1 D. TRAHANAS - VOLUME II

2 law -- medical school for the second time; is that
3 right?

4 A. Yes.

5 Q. Okay. And so, you were interested in
6 knowing whether or not you were admitted to the
7 schools that you were applying to; right?

8 A. Well, sure, I was applying, yes.

9 Q. Right.

10 You spent time putting together an
11 application; right?

12 A. Yes.

13 Q. And you -- and you paid money to have the
14 application sent to the schools that you applied to;
15 right?

16 A. Yes.

17 Q. So you were interested in knowing whether
18 or not you were going to be admitted to those
19 schools; right?

20 A. Sure.

21 Q. So if you got a rejection notice, you would
22 know that you were rejected from that school; right?

23 A. Well, if I had gotten the notice, then I
24 would know at that time, yes.

25 Q. And you know, as you sit here today, that

1 D. TRAHANAS - VOLUME II

2 you were not accepted to the University of Central
3 Florida; correct?

4 A. After seeing this, I would assume that that
5 statement is correct, but I don't know that prior to
6 looking at this.

7 Q. So you're tell -- really? So you're
8 telling me that in 2014 you believe that your
9 application to University of Central Florida was
10 still live? Is that your testimony?

11 A. No, my testimony is that this gives me
12 evidence -- this is the evidence that shows that I
13 had been preliminary rejected from UCF.

14 Q. Well, let's look at what the e-mail says.
15 Look at the -- the second paragraph, the last
16 sentence. "As such, our committee will no longer
17 consider your application for this application
18 cycle."

19 Do you see that?

20 A. Yes.

21 Q. So that's not just a preliminary rejection,
22 you're being rejected?

23 A. Right, I -- I was just trying to be -- I
24 was just trying to quote from 11 -- I didn't want to
25 misrepresent it, because that's what it said here.

1 D. TRAHANAS - VOLUME II

2 Q. So your testimony is in November of 2018
3 you just cannot remember whether or not in 20 -- in
4 November of 2018 -- I'm sorry. Strike that whole
5 thing.

6 As you sit here right now, it's your
7 testimony that you cannot remember receiving a
8 rejection notice from UCF in November of 2014?

9 A. Correct.

10 Q. Even though you were specifically applying
11 and looking for notices from these schools at the
12 time?

13 A. I was expecting to hear back from them,
14 but -- I was expecting to hear back from them.

15 Q. And so, a rejection had no impact on your
16 memory at all? The fact that you were rejected, it
17 just is not sticking in your memory; is that right?

18 A. There were 15 schools that I applied to
19 that year. That's a lot of schools to keep track of
20 when you're working 24-hour shifts and you have
21 multiple projects going on at work. I wasn't just a
22 full-time person working on applications at home.

23 Q. Okay. That's pure argument.

24 My question is this --

25 MR. DeROSE: Well, excuse me, Counsel.

1 D. TRAHANAS - VOLUME II

2 MS. WERMUTH: No.

3 MR. DeROSE: That's not argument. That's
4 an answer to your question.

5 MS. WERMUTH: No, my question --

6 MR. DeROSE: My objection to you --

7 MS. WERMUTH: No.

8 MR. DeROSE: Excuse me. Let me finish
9 my -- Counsel, you continue to do this.

10 Ask her a question and don't -- you don't
11 editorialize on it, and I will try not to also,
12 because that's --

13 MS. WERMUTH: If it's argument, I'm going
14 to move to strike it.

15 Now I'd like an answer to my question.

16 BY MS. WERMUTH:

17 Q. You had spent time and money preparing
18 applications to medical school, right, in 20 -- in
19 the 2014-2015 cycle; correct?

20 MR. DeROSE: Asked and answered. Answer it
21 again.

22 A. Yes.

23 BY MS. WERMUTH:

24 Q. You were invested in the process; right?

25 A. Yes.

1 D. TRAHANAS - VOLUME II

2 Q. You wanted to go to medical school?

3 A. Absolutely.

4 Q. Yeah.

5 So you were looking for communications from
6 the medical schools in 2014 and 2015; correct?

7 A. I'm sure I was. I don't recall when and
8 where I was at the time.

9 Q. So you -- you have no memory of getting an
10 e-mail from the University of Central Florida
11 telling you that your application was no longer
12 going to be considered for that cycle?

13 MR. DeROSE: Asked and answered.

14 Objection.

15 Go ahead and answer it again.

16 A. That's correct. I don't recollect.

17 BY MS. WERMUTH:

18 Q. And you have no recollection of what you
19 would have done with this e-mail either; is that
20 your testimony?

21 A. I can't say for certain. Maybe I deleted
22 it. If it's a rejection, there is nothing further
23 for me to have done, so you kind of move on, right.

24 Q. I don't know. I'm asking you.

25 Did you delete it?

1 D. TRAHANAS - VOLUME II

2 A. I don't recall if I deleted it on that date
3 that -- if I had received it in an e-mail or what.

4 Q. And if you delete it, it goes into your
5 trash; right?

6 A. Yes.

7 Q. Which is still searchable; right?

8 A. Yes.

9 Q. And you're telling me that you searched the
10 words UCF, University of Central Florida, and other
11 iterations in connection with the discovery requests
12 we made in this litigation?

13 A. Correct.

14 Q. And you found zero e-mails to or from the
15 University of Central Florida?

16 A. Everything I had, I gave you.

17 Q. My question is this: You found zero
18 communications to or from the University of Central
19 Florida?

20 A. For that year, yes. I don't know if I
21 applied to that in 2018 and gave you any
22 communications from that. If I had it, I gave it to
23 you.

24 MS. WERMUTH: Can we mark this, please.

25 (Trahanas Exhibit 84 marked for

1 D. TRAHANAS - VOLUME II

2 identification.)

3 MR. DeROSE: Am I correct the last one was
4 83?

5 REPORTER: Yes.

6 MR. DeROSE: So you are numbering each one
7 of these? Okay.

8 BY MS. WERMUTH:

9 Q. Okay. I'm handing you now -- or you've
10 been handed now what's been marked as Exhibit 83 --

11 MR. DeROSE: No. This is --

12 BY MS. WERMUTH:

13 Q. I'm sorry, 84. 84.

14 And these are the materials that we
15 received in connection with the subpoena that we
16 made to University of Miami. And I'm turning your
17 attention to Trahanas-NU11777.

18 MR. DeROSE: Is that in the front area?

19 MS. WERMUTH: Yeah, it's three or four
20 pages in. Five pages -- five pages in.

21 MR. DeROSE: All right. I'm there.

22 BY MS. WERMUTH:

23 Q. Okay. And you see that the University of
24 Miami sent us this letter? You see that,
25 Ms. Trahanas?

1 D. TRAHANAS - VOLUME II

2 A. Yes, I do.

3 Q. Okay. And according to this letter and the
4 University of Miami's records, they received your
5 AMCAS application on November 5th of 2014.

6 Do you see that?

7 A. I do.

8 Q. Do you have any reason to dispute that?

9 A. Just to be clear, I'm not sure if that
10 means that all letters had been submitted at that
11 point, but my am -- my AMCAS application was
12 submitted, correct.

13 Q. Okay. So you are in agreement with the
14 first paragraph?

15 A. I believe so, yes.

16 Q. All right. Then they write that on
17 December 2nd they sent you an acknowledgment e-mail.

18 Do you see that?

19 A. Yes.

20 Q. Okay. Did you receive that e-mail?

21 A. I don't recall.

22 Q. And if you look at the following page,
23 11778, there's an e-mail dated December 2nd, 2014 --

24 MR. DeROSE: Excuse me. Are you on the
25 last page --

1 D. TRAHANAS - VOLUME II

2 MS. WERMUTH: Nope, the next page, sir.

3 MR. DeROSE: Okay. Go ahead.

4 BY MS. WERMUTH:

5 Q. -- from med.admissions@miami.edu to
6 diane.trahanas@gmail.com.

7 Do you see that?

8 A. I see that at the top, yes.

9 Q. Okay. And the substance of the e-mail is
10 similar to what is described in the paragraph we
11 just looked at on 11777; correct?

12 A. I mean, it doesn't specifically state an
13 acknowledgment, but I'll say that it does state
14 there is a correspondence, and it says a decision to
15 send you a secondary application.

16 Q. Right.

17 So it says, "Your verified AMCAS
18 application for the 2015 entering class has arrived
19 at the University of Miami, Miller School of
20 Medicine"; correct?

21 A. Yes.

22 Q. Okay. And then there is a -- as you point
23 out, there is a sentence inviting you to complete a
24 secondary application; right?

25 A. Yes. I'm sorry. Can I --

1 D. TRAHANAS - VOLUME II

2 MR. DeROSE: Well, it only says -- Counsel,
3 it doesn't say that. "A decision will be
4 made" --

5 MS. WERMUTH: Oh, I see. You're right.
6 I'm sorry.

7 BY MS. WERMUTH:

8 Q. "A decision to send you a secondary
9 application will be made shortly."

10 Do you see that?

11 A. Yes.

12 Q. Okay. And then, on the next page, where
13 the e-mail follows, 11779, near the end, in the
14 second-to-last paragraph it says, "Most of our
15 communications with you will be done by e-mail, so
16 make certain that your e-mail address is correct on
17 your AMCAS application"; right?

18 A. Yes, I see that.

19 Q. Okay. Going back to 11777, University of
20 Miami, then tells us that on December 4th you
21 received an e-mail invi- -- well, strike that.

22 Do you recall receiving the e-mail on
23 Pages 11778 through 79?

24 A. I don't recall.

25 Q. You do see that it was sent to the gmail

1 D. TRAHANAS - VOLUME II

2 address that you've described for us today,
3 diane.trahanas@gmail.com?

4 A. Can you point to me where you're looking
5 at? I'm sorry.

6 Q. 11778.

7 A. So is 779 a continuation of 778? I know I
8 can't ask questions, but it says Page 1 of 1 at the
9 top, so I'm not sure if this is a --

10 Q. Okay. Let me ask you this. Look at
11 Page 778.

12 A. Okay.

13 Q. That has your gmail address on it; correct?

14 A. Yes.

15 Q. And that e-mail tells you that your
16 verified AMCAS application has arrived?

17 A. Yes.

18 Q. And that e-mail also says a decision to
19 send you a secondary application will be made
20 shortly; correct?

21 A. Yes.

22 Q. Okay. And that was sent to the gmail
23 address that you've testified was -- is the address
24 that you continue to use this day?

25 A. Yes.

1 D. TRAHANAS - VOLUME II

2 Q. And did you search your gmail address for
3 University of Miami?

4 A. Yes.

5 Q. Is there any reason why you didn't produce
6 this particular e-mail dated December 2nd, 2014?

7 A. I -- I gave you what you have.

8 Q. All right. And then, if you look at the
9 last page of this exhibit, 798.

10 A. Okay.

11 Q. According to the University of Miami's
12 records, they sent you an e-mail on December 4th of
13 2014, from med.admissions@miami.edu to
14 diane.trahanas@gmail.com.

15 Do you see that?

16 A. Yes.

17 Q. Do you recall being invited to complete a
18 secondary application at the University of Miami?

19 A. I don't recall.

20 Q. Do you recall getting this e-mail?

21 A. I don't recall.

22 Q. Did you search for this e-mail in your
23 gmail account?

24 A. I searched for anything to do with the
25 University of Miami.

1 D. TRAHANAS - VOLUME II

2 Q. Any reason why you didn't produce this
3 e-mail?

4 A. I didn't have it.

5 Q. This e-mail tells you that the deadline to
6 complete your secondary application was
7 January 15th.

8 Do you see that?

9 A. I do.

10 Q. And you did not complete a secondary
11 application for the University of Miami, did you?

12 A. I don't recall. Is there a page in here
13 that I can look at?

14 Q. Did you complete a secondary application to
15 any of the medical schools to which you applied in
16 2015 cycle?

17 A. I don't recall.

18 Q. You literally can't tell me as you sit here
19 today that you -- there was a single school that you
20 submitted a secondary application to?

21 A. I don't remember.

22 Q. All right. Well, if you look at
23 Page 11777, Paragraph 4 in that letter tells us that
24 the deadline for submitting a supplemental/secondary
25 application was January 15th of 2015.

1 D. TRAHANAS - VOLUME II

2 Do you see that?

3 A. I do, yes.

4 Q. And Paragraph 5 says a
5 supplemental/secondary application was never
6 received from Diane Trahanas.

7 Do you see that?

8 A. I see that.

9 Q. Do you have any reason to dispute that?

10 A. No, this is what I was trying to ask for
11 earlier, but yes.

12 Q. Yes what?

13 A. I see that.

14 Q. And you don't dispute it?

15 A. No.

16 MS. WERMUTH: Can I have this marked,
17 please.

18 (Trahanas Exhibit 85 marked for
19 identification.)

20 BY MS. WERMUTH:

21 Q. Okay. Ms. Trahanas, you've been handed
22 what's been marked as Deposition Exhibit 85. These
23 are the materials that we received in connection
24 with our subpoena to Oakland University. And I'm
25 going to direct your attention to the page Bates

1 D. TRAHANAS - VOLUME II

2 labeled Trahanas -- Trahanas-NU11665.

3 A. Okay. I'm there.

4 Q. This appears to be an e-mail to you from
5 Oakland dated January 5th of 2015 from a Christina
6 Grabowski.

7 Do you see that?

8 A. Yes.

9 Q. According to this e-mail you were eject --
10 rejected from Oakland on or about January 5th of
11 2015; is that correct?

12 A. Just to be clear, it doesn't -- it's not
13 necessarily a rejection letter. It just says, "You
14 do not meet the minimum requirement for receiving
15 our secondary application." So it's addressing the
16 secondary application more so than saying a
17 rejection letter, or attaching one.

18 Q. So as you sit here and read this, you think
19 this is a, Hey, maybe we'll accept you, but we're
20 not going to give you the secondary application? Is
21 that how you read this communication?

22 A. No, I'm just trying to be clear for the
23 record. I just -- you asked me to if it's a
24 rejection letter.

25 Q. Do you believe that you were accepted to

1 D. TRAHANAS - VOLUME II

2 Oakland University School of Medicine?

3 A. No.

4 Q. In fact, you know you were rejected from
5 Oakland; correct?

6 A. After reviewing the subpoenaed documents,
7 yes.

8 Q. You didn't know you were rejected until
9 after you reviewed the subpoenaed documents? You
10 were still waiting three years later to -- to see
11 whether or not you were admitted to Oakland; is that
12 your testimony?

13 A. No, I'm saying that it's confirmed.

14 Q. So you were rejected from Oakland; correct?

15 A. To the best of my recollection, yes.

16 Q. In January of 2015; correct?

17 A. I don't know what the date was.

18 Q. Well, according to this, it was January of
19 2015; correct?

20 MR. DeROSE: She just said what this letter
21 means to her. Doesn't -- it doesn't say you
22 were rejected.

23 BY MS. WERMUTH:

24 Q. It does say, "We wish you the best in your
25 pursuit of medical education"; right?

1 D. TRAHANAS - VOLUME II

2 A. Yes, I do see that.

3 Q. And it does say that you must have a total
4 MCATs score of 24 or above to receive our secondary
5 application; correct?

6 A. It says that, yes.

7 Q. And you did not have an MCATs score of 24
8 or above -- a total MCATs score of 24 or above;
9 correct?

10 A. Well, it depends how the school is grading
11 your MCATs. Some schools take your composite score.
12 Other schools gather the highest score in each
13 category.

14 Q. According to this communication from
15 Oakland, you did not have a total MCATs score of 24;
16 correct?

17 A. Correct.

18 Q. So according to their standards, you did
19 not have a total MCATs score of 24; correct?

20 A. Yes, I would agree to that.

21 Q. But you didn't -- you didn't understand
22 that to be a rejection notice; is that your
23 testimony?

24 A. I mean, I already told you what I think
25 it -- it indicated.

1 D. TRAHANAS - VOLUME II

2 Q. And I want to be clear for the record,
3 since you want clarity for the record, you didn't
4 believe it indicated that you were being rejected at
5 that time?

6 A. I don't know at that time what I thought.
7 I can't -- I can't speak to that. I don't recall
8 seeing this letter, so I don't know.

9 Q. Did you search for Oakland in your gmail
10 account?

11 A. Yes.

12 Q. Did you search for O -- OUWB?

13 A. Yes, Oakland University William Beaumont
14 School of Medicine, OUWBSOM, several variations of
15 it.

16 Q. And nothing came up?

17 A. I gave you everything I have. No.

18 Q. So nothing came up in your inbox, your sent
19 items, or your trash?

20 A. Correct, that's what I just said.

21 (Trahanas Exhibit 86 marked for
22 identification.)

23 MS. WERMUTH: Can you reach that, John?

24 I'm sorry.

25 MR. DeROSE: No, no. Yes, I have it.

1 D. TRAHANAS - VOLUME II

2 Thank you.

3 BY MS. WERMUTH:

4 Q. Okay. You've been handed what's been
5 marked as Deposition Exhibit 86 -- are you marking
6 on the exhibits?

7 A. Oh.

8 MR. DeROSE: No, you're not to mark.

9 A. I'm sorry. I just circled the bottoms.

10 BY MS. WERMUTH:

11 Q. Okay. So --

12 A. On the last two documents. The rest are
13 untouched.

14 Q. When you say "circle the bottoms," what do
15 you mean by that?

16 MR. DeROSE: Show us the pages. Can I see
17 it?

18 Counsel, the record shows on the one she
19 just showed me she is circling the Bates stamp
20 number of the pages. And there is also a star
21 on there.

22 THE WITNESS: On this one, yeah.

23 MR. DeROSE: All right. Give me the number
24 of the one. She put a star -- do not -- put
25 your pen down, please.

1 D. TRAHANAS - VOLUME II

2 THE WITNESS: Sorry.

3 MR. DeROSE: Can I see that document?

4 THE WITNESS: Yes.

5 MR. DeROSE: The client has put a star on
6 Trahanas-NU11665. She has also circled NU11665
7 on the document, Counsel. And I will ask her
8 not to do that again. I'm sorry. I didn't
9 know that -- you want examine that, in case you
10 want to say anything more?

11 THE WITNESS: These are the other two
12 pages.

13 MR. DeROSE: And the other page, she put a
14 circle on Trahanas-NU11778, where it says
15 NU11778. There are no other marks on the page.

16 Counsel, you want to examine that?

17 MS. WERMUTH: That's fine. Thank you.

18 MR. DeROSE: Please do not mark any
19 documents. Those are court records.

20 THE WITNESS: I'm sorry. I didn't -- I
21 didn't know.

22 BY MS. WERMUTH:

23 Q. Okay. So I believe Deposition Exhibit 86
24 is the materials that we received from Geisinger.
25 Bear with me.

1 D. TRAHANAS - VOLUME II

2 Do you have the documents Bates labeled
3 11709 through 11723 in front of you?

4 A. Yes, I do.

5 Q. Okay. And again, I'll represent to you
6 that these are the documents that we received from
7 Geisinger in connection with our subpoena, which
8 were produced to your Counsel.

9 Can you turn to the second-to-last page,
10 which is Bates labeled 7 -- 11722. Can you take a
11 moment to read that, please. Let me know when
12 you're done.

13 A. Finished.

14 Q. You're done? Okay.

15 A. Yes.

16 Q. Do you recall receiving a communication
17 from Geisinger inviting you to submit a secondary
18 application?

19 A. I -- I don't recall this.

20 Q. Okay. But you don't dispute Geisinger's
21 records in this regard, do you?

22 A. I do not dispute it.

23 Q. Okay. And if you look on Page 11712,
24 which, John, for your information, is closer to the
25 beginning.

1 D. TRAHANAS - VOLUME II

2 MR. DeROSE: All right.

3 BY MS. WERMUTH:

4 Q. But maybe a third of the way through.

5 MR. DeROSE: What's the number, 1 --

6 MS. WERMUTH: 11712.

7 MR. DeROSE: Okay. I'm there. Go ahead.

8 BY MS. WERMUTH:

9 Q. Okay. You see the e-mail on file with
10 Geisinger is diane.trahanas@gmail.com; is that
11 right?

12 A. Yes.

13 Q. And -- and did you search Geisinger in your
14 e-mail?

15 A. I did. I searched, excuse me, Geisinger
16 Commonwealth. I searched the state that it's in,
17 but I don't recall what that was.

18 Q. Did you search TCMC?

19 (Pause.)

20 Q. I'm sorry, did you answer, or are you still
21 thinking?

22 A. No, I'm thinking. If that's how it was
23 indicated on the MCATs application, then yes, I
24 would have searched that, but I don't recall
25 specifically.

1 D. TRAHANAS - VOLUME II

2 Q. Did you search TCMEDC?

3 A. I don't recall.

4 Q. And according to this e-mail, in order to
5 submit the secondary or the supplemental application
6 you had to also submit a \$100 application fee.

7 Do you see that on page -- I'm sorry,
8 11722?

9 A. Yes, I see that.

10 Q. Did you submit the \$100 to TCMC or
11 Geisinger?

12 A. Not that I recall.

13 Q. Okay. And then on the next page, 11723,
14 there's a communication to you that begins, "Dear
15 Diane, It is my unfortunate obligation to inform you
16 that the admissions committee has decided not to
17 accept your application, because materials related
18 to the application process were incomplete."

19 Do you see that?

20 A. I see that.

21 Q. So -- and the date of that communication,
22 according to Geisinger's records, was
23 January 15th of 2015; correct?

24 A. Yes.

25 Q. And you do understand this to be a

1 D. TRAHANAS - VOLUME II

2 rejection letter, do you not?

3 A. I mean, again, it doesn't say rejection,
4 but it does say "has decided not to accept your
5 application, because materials related to the
6 application process were incomplete."

7 Q. So not accepting is the same as rejecting,
8 is it not?

9 MR. DeROSE: Well, objection. Counsel,
10 until -- in the next paragraph they invite her
11 to go to their master's of biomedical science
12 program.

13 MS. WERMUTH: They didn't invite her to go
14 to it. They invited her to look at it.

15 MR. DeROSE: Okay. All right.

16 BY MS. WERMUTH:

17 Q. So I just want to be clear here.
18 Ms. Trahanas, as you sit here and read this, do you
19 think that you were being told by Geisinger that
20 there was a chance you were going to get accepted to
21 their medical school?

22 A. There's always a chance you can get into a
23 medical school even the day that the school starts.

24 Q. This e-mail, when you read this, you're
25 thinking to yourself, Oh, there's still a chance, or

1 D. TRAHANAS - VOLUME II

2 are you thinking, I was just rejected?

3 A. I don't know what I was thinking when I
4 read this.

5 Q. That's fine. That's fine.

6 If you -- if you view this as an acceptance
7 letter, that's fine. The fact is you never --

8 MR. DeROSE: Counsel, she did not --

9 MS. WERMUTH: The fact is --

10 MR. DeROSE: Wait a minute. Wait. Wait.

11 Let me make my record.

12 Counsel, your observation after the answer
13 to that question is inappropriate. She did not
14 say that she viewed this as an acceptance
15 letter. Now, I ask you not to be
16 argumentative. Just ask your questions.

17 MS. WERMUTH: I'm trying.

18 BY MS. WERMUTH:

19 Q. Do you view this as an acceptance letter?
20 11723, do you view this as an acceptance letter?

21 A. I do not view it as an acceptance letter.

22 Q. And as you sit here today, you know that
23 you did not submit your secondary application to
24 Geisinger; correct?

25 A. Um, after reading this, yes.

1 D. TRAHANAS - VOLUME II

2 Q. Yes what?

3 A. That the secondary application was
4 incomplete.

5 Q. You didn't complete it; correct?

6 A. According to this, yes, I would agree.

7 Q. So you don't have an independent
8 recollection of -- of whether or not you completed
9 the application?

10 A. No.

11 Q. Really?

12 MR. DeROSE: Counsel, please, not "really,"
13 because December and -- January of
14 2015/December of 2014 she was in care with her
15 psychiatrist. Please.

16 BY MS. WERMUTH:

17 Q. So is it -- is it your testimony, then,
18 that there's a lot of things that happened in
19 2015 -- December 2014 and January 2015 that you just
20 don't remember?

21 A. You've already asked me that question, and
22 I told you that with every e-mail that I've received
23 or responded to, with everything going on at work, I
24 couldn't possibly recollect that. It doesn't mean I
25 don't remember anything that happened at that time.

1 D. TRAHANAS - VOLUME II

2 Q. But your testimony is that you don't
3 remember anything about your communications from the
4 medical schools at that time; that's your testimony?

5 A. I did not say that. That's
6 mischaracterizing it.

7 Q. Well, we've looked at how many schools now,
8 and you've told me for each one of the schools that
9 we've looked at you don't remember anything about
10 the communications you were receiving at the time;
11 is that right?

12 A. I didn't say don't remember anything. I
13 can't possibly tell you what I said in the past two
14 hours about each school and every question you
15 asked.

16 Q. Well, if we have to do this, then we'll do
17 this.

18 MR. DeROSE: If we have to do what,
19 Counsel?

20 MS. WERMUTH: Go back through them.

21 MR. DeROSE: Well, if you're going to do it
22 and ask her the same questions, I'm going to be
23 objecting asked and answered. This is not
24 going to be a trial by ordeal, Counsel.

25 You can ask her all the questions you want,

1 D. TRAHANAS - VOLUME II

2 but if they've been asked and answered, you
3 will get that objection, and she will be
4 instructed not to answer.

5 BY MS. WERMUTH:

6 Q. Do you have any recollection of getting any
7 rejection communications from the University of
8 Central Florida?

9 A. I've already asked and -- you've already
10 asked -- I've already answered.

11 MR. DeROSE: Answer it again.

12 BY MS. WERMUTH:

13 Q. What's the answer?

14 A. Can you please read that back to me?

15 REPORTER: The question?

16 THE WITNESS: Yeah, I'm sorry.

17 (Record was read as requested.)

18 A. No.

19 BY MS. WERMUTH:

20 Q. Do you have any recollection of getting any
21 rejection communications from University of Miami?

22 MR. DeROSE: Don't look at them. Just
23 answer the question.

24 A. No, I don't recall when I got -- if I got
25 any e-mails, when I got them, what it was about,

1 D. TRAHANAS - VOLUME II

2 when it was a rejection letter, if it was a
3 secondary application, or anything specific.

4 BY MS. WERMUTH:

5 Q. To any of the 15 schools that you applied
6 to in the 2015 cycle?

7 A. Based on not looking at anything right now,
8 I can't definitively say yes.

9 Q. Okay. Then we are going to go through one
10 by one.

11 With respect to Oakland University, do you
12 recall getting a rejection notice from Oakland
13 University?

14 MR. DeROSE: Objection. Asked and
15 answered. Do not answer the question.

16 Counsel, you got a record there. Use your
17 record.

18 Do not look, Diane.

19 BY MS. WERMUTH:

20 Q. Are you following the instruction to not
21 answer the question?

22 A. I'm, yeah, taking advice from John.

23 MS. WERMUTH: Can I mark this, please.

24 MR. DeROSE: Good job.

25 MS. WERMUTH: I don't mean to throw it.

1 D. TRAHANAS - VOLUME II

2 MR. DeROSE: No, no, no. I appreciate it.

3 (Trahanas Exhibit 87 marked for
4 identification.)

5 BY MS. WERMUTH:

6 Q. Okay. Ms. Trahanas, you now have what's
7 marked as Deposition Exhibit 87, which are the
8 materials that we received from Central Michigan
9 University in connection with our subpoena to that
10 school.

11 Can you turn to the last page, please?

12 A. I'm there.

13 Q. And this is the page Bates labeled
14 Trahanas-NU11800. And this is a communication from
15 Chris Austin, the director of admissions at CMU
16 College of Medicine, to you.

17 Do you see that?

18 A. I do.

19 Q. Have you read it?

20 A. Right now or in -- I can read it real
21 quick.

22 (Pause.)

23 A. Okay.

24 Q. Do you recall receiving this communication
25 from Central Michigan College of Medicine?

1 D. TRAHANAS - VOLUME II

2 A. I don't recall the specific e-mail.

3 Q. Do you recall generally receiving a
4 communication in December of 2014 from Central
5 Michigan College of Medicine?

6 A. I -- I don't remember.

7 Q. Okay. So you don't remember being rejected
8 from Central Michigan College of Medicine in
9 December of 2014?

10 MR. DeROSE: Objection. This letter does
11 not say rejected in any place, but go ahead.

12 A. I don't remember receiving it in December.
13 I don't remember if -- I don't recall.

14 BY MS. WERMUTH:

15 Q. You don't recall what, receiving this, or
16 being rejected, or both?

17 MR. DeROSE: Counsel, she's not being
18 rejected. They said we are unable to move your
19 application forward at this time. It's
20 clearing -- you're right to ask did you receive
21 this, and she said she doesn't remember. But
22 characterizing any document the way you're
23 doing is not fair.

24 MS. WERMUTH: I object to your commentary
25 which is instructing the witness improperly.

1 D. TRAHANAS - VOLUME II

2 I've said it four times now --

3 MR. DeROSE: Well, you know what --

4 MS. WERMUTH: -- and I'll say it again
5 every single time you do it.

6 MR. DeROSE: All right. Counsel, all I'm
7 going to say, then, you're going to get an
8 objection the document speaks for itself. The
9 document only says what it says.

10 MS. WERMUTH: I am permitted to ask
11 questions about the document.

12 BY MS. WERMUTH:

13 Q. Do you -- when you read this, Ms. Trahanas,
14 do you believe -- do you not read this as a
15 rejection letter?

16 A. I read it as a delay in the application.

17 Q. A delay? You thought this was a delay?

18 A. I don't remember what I thought at the
19 time. That was four plus years ago. I don't
20 remember at the time what I thought about it. I
21 don't remember reading it. I don't remember it.

22 Q. As you sit here today, you think it's a
23 delay in the application? That's what you're
24 telling me?

25 A. Well, like I said with the other

1 D. TRAHANAS - VOLUME II

2 applications, it doesn't specifically state that
3 it's a rejection.

4 Q. It does say this, "We wish you every
5 success in finding a position at another fine
6 institution"; right? It says that?

7 A. Yes, I do see that.

8 Q. But you think this is, nevertheless, a
9 delay in your application?

10 A. Well, in the second paragraph that's what I
11 would read that as.

12 Q. A rejection?

13 MR. DeROSE: Wait.

14 A. No, a delay.

15 BY MS. WERMUTH:

16 Q. You still read it as a delay?

17 A. I'm saying according to the second
18 paragraph.

19 Q. Read the -- read the letter as a whole.
20 You think that Central Michigan College of Medicine
21 is telling you we're delaying review of your
22 application? You think that's what this message is
23 in total?

24 MR. DeROSE: You know what, Counsel, I
25 don't want to argue with you, but, first of

1 D. TRAHANAS - VOLUME II

2 all, she told you that applications get
3 considered later when they don't fill their
4 class. They said we're not considering your
5 application at this time. That's all they're
6 saying.

7 MS. WERMUTH: You're arguing. She --

8 MR. DeROSE: I'm not arguing.

9 MS. WERMUTH: Let me finish. Let me
10 finish.

11 MR. DeROSE: I am not arguing. I'm making
12 a statement. Wait a minute.

13 MS. WERMUTH: You're arguing.

14 MR. DeROSE: Let me finish. I am not
15 arguing. I'm saying the document says what it
16 says, and no more. No less, no more. It says
17 at this time we're not considering your
18 application.

19 MS. WERMUTH: No, it doesn't say that. If
20 it says what it says, it certainly doesn't say
21 that.

22 MR. DeROSE: Well, we are not able to -- I
23 don't have it right in front of me now, but it
24 said we cannot consider the application. They
25 got probably many more bright students that

1 D. TRAHANAS - VOLUME II

2 they are looking at.

3 MS. WERMUTH: That's not what it says. It
4 doesn't say that, John.

5 MR. DeROSE: I agree.

6 MS. WERMUTH: And you have mischaracterized
7 it now several times.

8 MR. DeROSE: But you --

9 MS. WERMUTH: The fact of the matter is
10 this is a rejection letter. If she wants to
11 characterize it differently, fine.

12 MR. DeROSE: Well, that can be your
13 argument.

14 MS. WERMUTH: The other thing is the
15 testimony about schools accepting people
16 after -- after rejecting them is testimony that
17 I've already moved to strike today because
18 there is no foundation for it. She says that
19 none of the schools that she applied to ever
20 did anything of the sort.

21 MR. DeROSE: Do you see the word
22 "rejection" in there?

23 MS. WERMUTH: It certainly says we wish you
24 every success -- we're not -- we're unable to
25 move your application forward, and we wish you

1 D. TRAHANAS - VOLUME II

2 success in another institution --

3 MR. DeROSE: We're not able to --

4 MS. WERMUTH: -- not our institution.

5 MR. DeROSE: What page are you on again?

6 MS. WERMUTH: 11800.

7 MR. DeROSE: Give me one moment. I think
8 it says more than.

9 MS. WERMUTH: Honestly, I'm moving on.

10 MR. DeROSE: Well, before you move on, I
11 got to make a record on what it says.

12 MS. WERMUTH: I thought it -- I thought the
13 record is clear, John. I thought you said the
14 record is clear.

15 MR. DeROSE: Yeah, but you just said that
16 it says something different than it says.

17 MS. WERMUTH: Honestly, it's an absurd
18 argument to -- it is an absurd argument to
19 suggest that this is anything other than a
20 rejection letter. If that's the position you
21 want to take, that's fine.

22 MR. DeROSE: Excuse me.

23 MS. WERMUTH: I don't think any court of
24 law will agree with you.

25 MR. DeROSE: I want to read the one

1 D. TRAHANAS - VOLUME II

2 sentence into the record again that you just
3 misstated.

4 MS. WERMUTH: I didn't misstate it.

5 MR. DeROSE: The sentence -- the sentence
6 says, "We are unable to move your application
7 forward at this time." Period.

8 MS. WERMUTH: And then there is another
9 sentence that says, "We wish you every success
10 in finding a position at another fine
11 institution."

12 MR. DeROSE: And that's fine, Counsel. But
13 the document says what it says.

14 MS. WERMUTH: Can you mark this, please.

15 (Trahanas Exhibit 88 marked for
16 identification.)

17 MS. WERMUTH: Here, I will ask you
18 please -- thank you. I don't want throw a
19 heavy one.

20 BY MS. WERMUTH:

21 Q. Okay. Ms. Trahanas, you've been handed
22 Deposition Exhibit 88. These are the materials that
23 we received from the University of South Carolina.

24 Were you accepted to medical school at the
25 University of South Carolina?

1 D. TRAHANAS - VOLUME II

2 A. No.

3 Q. And you received a rejection notice from
4 the University of South Carolina; is that correct?

5 A. I don't recall receiving a rejection letter
6 from them.

7 Q. How do you know that you were rejected?

8 A. The subpoenaed documents you gave me
9 probably.

10 Q. You didn't know that before the subpoena --
11 you got the subpoenaed documents in 2018; is that
12 your testimony?

13 A. I don't think that's what I said, but I
14 don't know when I knew.

15 Q. Can you turn, please, to the page that's
16 Bates labeled Trahanas-NU11819. Are you with me?

17 A. Yes.

18 Q. You'll see that that's an e-mail dated
19 December 1st of 2014.

20 Do you see that?

21 A. Yes.

22 Q. From admissions@greenville --
23 greenvillemed.sc.edu to diane.trahanas@gmail.com?

24 A. I see that at the top, yes.

25 Q. Okay.

1 D. TRAHANAS - VOLUME II

2 MR. DeROSE: You said 118?

3 MS. WERMUTH: 19.

4 MR. DeROSE: 19. How close -- is it at the
5 bottom there? I'm having a little trouble
6 here.

7 I'm sorry. Go ahead, Counsel. I'm sorry.

8 BY MS. WERMUTH:

9 Q. Do you recall receiving that e-mail?

10 A. I don't recall receiving this e-mail.

11 Q. Did you search your gmail account for
12 greenvillemed?

13 A. Yes, University of South Carolina,
14 Carolina, southern, Greenville, Greenville School of
15 Medicine, Greenville Medical School, South
16 Carolina -- or USC, Greenville Medical School,
17 School of Medicine.

18 Q. And no e-mails came up when you ran all of
19 those searches that you just told me you ran?

20 A. Correct, unless I reapplied to this in 2018
21 and I have e-mails that I gave you from that. I
22 don't remember what -- what schools those were.

23 Q. When did you first -- strike that.

24 Central Michigan University, did you run
25 any of -- did you run that school's name through

1 D. TRAHANAS - VOLUME II

2 your gmail account?

3 A. Yes.

4 Q. And that would include your inbox, sent
5 box, and deleted items?

6 A. Yes.

7 Q. And you found no e-mails responsive to
8 those search queries?

9 A. For the 2015 cycle, that's correct. I
10 don't know if I applied in 2018. If so, I'm
11 positive I gave you those e-mails or
12 correspondences.

13 Q. And in looking at Page 11819, this is an
14 invitation to submit a secondary application to the
15 University of Southern -- South Carolina; correct?

16 A. Yes.

17 Q. And it tells you in this e-mail that the
18 supplemental application was due January 15th of
19 2015; correct?

20 A. Yes.

21 Q. And you did not submit a secondary
22 application by that date; correct?

23 A. I don't believe so, correct.

24 MS. WERMUTH: Excuse me, Ms. Trahanas, will
25 you hand that to John? Thank you.

1 D. TRAHANAS - VOLUME II

2 (Trahanas Exhibit 89 marked for
3 identification.)

4 BY MS. WERMUTH:

5 Q. You now have Deposition Exhibit 89 in front
6 of you. These are the materials that we received
7 from Florida International University. And I'm
8 going to direct your attention to NU -- I'm sorry,
9 Trahanas-NU12041, which is near the end.

10 MR. DeROSE: Let me get there. All right.

11 I'm there, honey -- Counsel.

12 BY MS. WERMUTH:

13 Q. According to the records we received from
14 FIU, you were invited to submit a secondary
15 application on December 1st of 2014.

16 Do you see that? So let me ask this in a
17 better way. There's -- if you look at the -- the
18 screenshot that FIU sent us on Page 11241, there's
19 an area that looks like it's boxed off, and in the
20 middle of it says, "Acknowledgment e-mail sent."

21 Do you see that under "description"?

22 A. I do.

23 Q. And then, next to that, under "Comments,"
24 it says "Selected for secondary application."

25 Do you see that?

1 D. TRAHANAS - VOLUME II

2 A. I see that.

3 Q. And the date is 12/1/2014.

4 Do you see that?

5 A. Yes.

6 Q. Okay. And then, according to -- and do you
7 have memory of being selected and receiving an
8 acknowledgment e-mail from FIU to submit a secondary
9 application?

10 A. I don't recall.

11 Q. And did you search your e-mail for FIU or
12 Herbert Wertheim for responsive e-mails?

13 A. Yes, both the long and the -- so both the
14 acronym and Florida International University.

15 Q. And you did not turn up any e-mails in
16 connection with that search?

17 A. For the 2015 cycle, no. Like I said
18 earlier, if I applied to it in 2018, I gave you
19 those e-mails.

20 Q. And then there's an entry two levels below
21 what we just looked at where it says, "Secondary
22 application started."

23 Do you see that?

24 A. Yes.

25 Q. And -- and then under "Date" it says

1 D. TRAHANAS - VOLUME II

2 12/3/2014.

3 Do you see that?

4 A. Yes.

5 Q. And then under "Username" it has your gmail
6 account.

7 Do you see that?

8 A. Yes.

9 Q. Okay. So according to their records, FIU's
10 records, you went in and started the secondary
11 application on December 3rd of 2014.

12 Do you see that?

13 A. Sure, but I'm not sure what "started"
14 means.

15 Q. Okay. So let me ask you that question.

16 Did you start a secondary application for
17 FIU in December of 2014?

18 A. I don't remember.

19 Q. And then, there is a -- an entry below that
20 where it says "Withdrawn before accepted, applicant
21 withdrew."

22 Do you see that?

23 A. I do.

24 Q. And it says under "Comments," "Passive."

25 Do you see that?

1 D. TRAHANAS - VOLUME II

2 A. I see that.

3 Q. And then, the date that's being marked as
4 the date of your passive withdrawal is December 16
5 of 2014.

6 Do you see that?

7 A. Yes.

8 Q. And do you know, as you sit here now, when
9 the appli- -- secondary application to FIU was due?

10 A. No.

11 Q. Do you have reason to believe it was due on
12 December 15th of 2014?

13 A. I have no idea.

14 Q. And you did not complete a secondary
15 application for FIU; correct?

16 A. I don't recall.

17 Q. Well, according to FIU's records, you did
18 not complete a secondary application; is that right?

19 MR. DeROSE: If you know what their records
20 show.

21 A. I'm not sure what "passive" means in that
22 box that you referred to on Bates stamp
23 Trahanas-NU12041 -- I'm sorry, 12041.

24 BY MS. WERMUTH:

25 Q. But as you sit here today, you can't tell

1 D. TRAHANAS - VOLUME II

2 me with certainty that you finished a secondary
3 application for FIU; correct?

4 A. That's correct.

5 Q. You were never invited to interview at FIU;
6 correct?

7 A. Not that I recall.

8 Q. And you were not invited to interview at
9 University of Central Florida; correct?

10 A. Not that I recall.

11 Q. And you were not invited to interview at
12 University of Miami; correct?

13 A. Not that I recall.

14 Q. And you were not invited to interview at
15 Oakland University; correct?

16 A. Not that I recall.

17 Q. And you were not invited to interview at
18 Geisinger Commonwealth; correct?

19 A. Not that I recall, yes.

20 Q. And you were not invited to interview at
21 Central Michigan University; right?

22 A. Not that I recall.

23 Q. And you were not invited to interview at
24 the University of South Carolina; right?

25 A. Not that I recall.

1 D. TRAHANAS - VOLUME II

2 Q. And you were not invited to interview with
3 FIU? Did I ask you that one?

4 MR. DeROSE: Answer it again.

5 A. I'll answer it. Not that I recall.

6 BY MS. WERMUTH:

7 Q. Okay. In fact, you haven't interviewed
8 with any medical school; correct?

9 A. Um, yes, that would be correct.

10 MS. WERMUTH: Can I have this marked,
11 please.

12 Excuse me, Ms. Trahanas, would you mind?
13 Thank you.

14 (Trahanas Exhibit 90 marked for
15 identification.)

16 BY MS. WERMUTH:

17 Q. Okay. Ms. Trahanas, do you recall being
18 invited for -- to -- to submit a secondary
19 application for Florida Atlantic University?

20 A. I -- I don't recall.

21 Q. Do you recall -- strike that.

22 You did not complete a secondary
23 application for Florida Atlantic University; is that
24 correct?

25 MR. DeROSE: If you know without looking at

1 D. TRAHANAS - VOLUME II

2 documents, you can answer.

3 A. I don't recall.

4 BY MS. WERMUTH:

5 Q. You think you may have completed a
6 secondary application for Florida Atlantic; is that
7 your testimony?

8 A. I don't remember.

9 Q. Has any school ever indicated to you that
10 you could submit a secondary application after
11 January 30th of any given application cycle?

12 A. I don't know.

13 Q. You don't know?

14 A. (Witness nods.)

15 Q. Have you received any communication from
16 any school that you applied to with a date for a
17 secondary application after January 30th?

18 A. For any application cycle, I don't know.

19 Q. What about for the 2015 application cycle?

20 A. For either. I don't know.

21 MS. WERMUTH: Can you mark this, please.

22 (Trahanas Exhibit 91 marked for
23 identification.)

24 MS. WERMUTH: Thank you.

25 ///

1 D. TRAHANAS - VOLUME II

2 BY MS. WERMUTH:

3 Q. Okay. Ms. Trahanas, you've been handed
4 what's been marked as Deposition Exhibit 91. This
5 was material that was appended to Jorge Girotti's
6 expert report.

7 You attended his deposition; right?

8 A. Correct.

9 Q. Okay. And according to these materials,
10 Florida Atlantic University, if you -- if you look
11 on the first page of this, will not consider
12 secondary applications submitted after
13 December 31st of an application cycle.

14 Do you see that?

15 A. Yes, I see it at the bottom.

16 Q. And if you look at Deposition Exhibit 90,
17 which was Florida Atlanta [sic] subpoena materials,
18 are you with me -- Florida Atlantic? On
19 Page 12060 --

20 A. I'm on that page.

21 MR. DeROSE: Give me a couple seconds.

22 MS. WERMUTH: Certainly.

23 MR. DeROSE: I'm almost there. All right.

24 Counsel, go ahead.

25 ///

1 D. TRAHANAS - VOLUME II

2 BY MS. WERMUTH:

3 Q. You'll see on that page that in the middle
4 of the sort of grid area under application status --
5 I'm sorry, under "Description" it says "Selected
6 secondary application."

7 Do you see that?

8 A. Yes, I follow you.

9 Q. And the date indicated there is 12/15/2014.

10 Do you see that?

11 A. Yes.

12 Q. And then, right below it, it says an
13 acknowledgment e-mail was sent to you on
14 12/15/2014 regarding your selection for secondary
15 application.

16 Do you see that?

17 A. I see that.

18 Q. Okay. And as you sit here today, you can't
19 tell me with certainty that you submitted the
20 secondary application; correct?

21 A. That's correct.

22 Q. And you can't tell me with certainty that
23 you submitted the secondary application before
24 December 31st of 2014; correct?

25 A. That's correct.

1 D. TRAHANAS - VOLUME II

2 Q. And you haven't produced any evidence that
3 you have submitted a secondary application to FAU;
4 correct?

5 A. Not that I recall.

6 Q. Okay. And you -- and you did not get an
7 interview with FAU; correct?

8 A. Correct.

9 Q. And did you, excuse me, search FAU and its
10 various iterations in your gmail account?

11 A. Yes. I remember FAU, Florida Atlantic
12 University with the Charles E. Schmidt portion, also
13 with the College of Medicine portion, also FAU
14 Charles E. Schmidt College of Medicine.

15 Q. And you didn't -- no e-mails were returned
16 in connection with that search -- those searches?

17 A. If I applied in 2018, then I gave you
18 those, but I -- I don't know what -- if I had it, I
19 gave it to you. I'm not sure what year -- which
20 schools I applied to in 2018 that may have
21 overlapped with that year, 2015.

22 MS. WERMUTH: Can we mark this, please.

23 (Trahanas Exhibit 92 marked for
24 identification.)

25 MS. WERMUTH: Do you mind passing that?

1 D. TRAHANAS - VOLUME II

2 Thank you.

3 BY MS. WERMUTH:

4 Q. Okay. Ms. Trahanas, you have Deposition
5 Exhibit 92 in front of you. These are the materials
6 that we received from Florida State in connection
7 with our subpoena.

8 MS. WERMUTH: Oh, did I have this marked?

9 MR. DeROSE: Yes. Well, I don't know.

10 I -- 92.

11 MS. WERMUTH: 92, and that is -- I said
12 that was Florida State. Okay. I'm sorry. I
13 got myself confused here for a moment.

14 BY MS. WERMUTH:

15 Q. Okay. And if I could direct your
16 attention, please, Ms. Trahanas, to the pages Bates
17 labeled Trahanas-NU11658.

18 MR. DeROSE: Give me one second. All
19 right. Go ahead.

20 BY MS. WERMUTH:

21 Q. And 659. Actually, you know what, I'm
22 sorry. Let's look first at Page 660 to 661.
23 According to FSU's records, you were e-mailed at
24 diane.trahanas@gmail.com from
25 medadmissions@med.fsu.edu on December 1st of 2014.

1 D. TRAHANAS - VOLUME II

2 Do you see that?

3 A. I see that at the top, yes.

4 Q. Okay. And according to this e-mail, FSU
5 was confirming receipt of your AMCAS application; is
6 that right?

7 A. Yes, I see that.

8 Q. And they also invited you to complete a
9 secondary application; is that right?

10 A. Yes.

11 Q. And if you look at the next page, 661,
12 where the e-mail is continued, there's a sentence
13 that reads, "The deadline to submit the secondary
14 and all supplemental materials is December 31st,
15 2014."

16 Do you see that?

17 A. Yes.

18 Q. Okay. And you did not submit a secondary
19 application to FSU; correct?

20 A. Not that I recall. I don't know.

21 Q. You don't know or you don't -- or did you
22 do it?

23 MR. DeROSE: She just said she doesn't
24 recall, but go ahead.

25 MS. WERMUTH: Well, she said I don't

1 D. TRAHANAS - VOLUME II

2 recall, and then she said I don't know, and I'm
3 just trying to understand --

4 MR. DeROSE: All right. That's fair
5 enough.

6 Do you not recall or you don't know?

7 BY MS. WERMUTH:

8 Q. Did you submit a secondary application to
9 FSU?

10 A. Not that I recall.

11 Q. Turning to Pages 11658 to 659, this is an
12 e-mail to the diane.trahanas@gmail.com account.

13 Do you see that? Do you see that your
14 gmail account is listed as the recipient?

15 A. I'm sorry. I'm on Page 11658.

16 Q. Correct.

17 A. Okay.

18 Q. Do you see that your gmail account is
19 listed as the recipient?

20 A. Yes.

21 Q. And it is from medadmissions@med.fsu.edu.

22 Do you see that?

23 A. Yes, I do.

24 Q. And the date of the e-mail is 1/6/2015.

25 Do you see that?

1 D. TRAHANAS - VOLUME II

2 A. I do.

3 Q. And do you see what the subject line says?

4 A. Yes.

5 Q. It says that your application was
6 incomplete; correct?

7 A. Correct.

8 Q. And in the third paragraph of this e-mail,
9 it reads, "Unfortunately, your application will not
10 be considered this admission cycle, as all required
11 admission criteria were not met."

12 Do you see that?

13 A. I do.

14 Q. Does this help refresh your memory as to
15 whether you completed your secondary application to
16 FSU?

17 A. I would believe what it says.

18 Q. All right. You have no reason to dispute
19 what this e-mail says?

20 A. Correct.

21 Q. Okay. And did you search for FSU or
22 Florida State University in your gmail account?

23 A. I did, along with college of -- FSU College
24 of Medicine and the long form.

25 MS. WERMUTH: Can I have this marked,

1 D. TRAHANAS - VOLUME II

2 please.

3 (Trahanas Exhibit 93 marked for
4 identification.)

5 MS. WERMUTH: Thank you. Would you mind
6 passing that? Thank you.

7 BY MS. WERMUTH:

8 Q. Okay. Ms. Trahanas, you've been handed now
9 what's been marked as Deposition Exhibit 93.

10 Do you recognize this document? Strike
11 that. I'm sorry. Let me tell you what this is.

12 VIDEOGRAPHER: Microphone, Counsel.

13 BY MS. WERMUTH:

14 Q. Okay. I'm sorry. Deposition Exhibit 93 --
15 let me make sure I get the right one here.

16 Okay. So these, I'll represent to you, in
17 this exhibit are the records we received from
18 Virginia Tech College of Medicine in connection with
19 our subpoena.

20 You applied to Virginia Tech; correct?

21 A. I have no reason to dispute otherwise, but
22 yes.

23 MR. DeROSE: It's Carilion, C-a-r-i -- or,
24 excuse me, C-a-r-l-l-i-o-n [sic] School of
25 Medicine, not College of Medicine.

1 D. TRAHANAS - VOLUME II

2 BY MS. WERMUTH:

3 Q. Virginia Tech, yeah, Carilion School of
4 Medicine.

5 You applied to that school in the 2015
6 cycle; right?

7 A. Yes.

8 Q. Okay. And if you look at the page that's
9 Bates labeled -- it actually has a labeling that the
10 school itself put on the documents, so it's
11 VTCSOM0002.

12 A. I'm on that page.

13 Q. And on this page it appears to be an e-mail
14 with diane.trahanas@gmail.com as the recipient.

15 Do you see that?

16 A. Yes.

17 Q. And that's your -- the gmail account that
18 we've been discussing today; correct?

19 A. Yes.

20 Q. And the e-mail is from
21 vtcadmissions2015@carilionclinic.org.

22 Do you see that?

23 A. I do.

24 Q. And the date of the e-mail is December 4th,
25 2014.

1 D. TRAHANAS - VOLUME II

2 Do you see that?

3 A. Yes.

4 Q. And on this date you were notified by
5 Virginia Tech that after review and consideration of
6 your record, the admissions committee had decided
7 not to invite you to submit a secondary application.

8 Do you see that?

9 A. Yes.

10 Q. Okay. And do you recall receiving this
11 e-mail?

12 A. I don't recall.

13 Q. And did you search for Virginia Tech in
14 your gmail account?

15 A. Yes.

16 Q. Did you --

17 A. I'm sorry.

18 Q. Tell me all of the iterations that you
19 searched for.

20 A. VTC, Virginia Tech, Carilion, Virginia Tech
21 Carilion SOM, Virginia Tech Carilion School of
22 Medicine. I think that's all of them.

23 Q. And you did not turn up any e-mails in
24 those searches?

25 A. I'm not sure if I reapplied to this school

1 D. TRAHANAS - VOLUME II

2 in 2018, but yes, I don't have any correspondence
3 with them.

4 Q. From the 2015 cycle?

5 A. Yeah.

6 Q. Did you ever contact anyone at Google to
7 see whether or not you could retrieve e-mails that
8 you had deleted from these medical schools?

9 A. No.

10 Q. And according to this e-mail, the last
11 paragraph says, "On behalf of the admissions
12 committee, I want to thank you for your interest in
13 the Virginia Tech Carilion School of Medicine, and I
14 wish you the best of luck with applications you may
15 have pending at other medical schools."

16 Do you see that?

17 A. I do.

18 Q. So did you understand this to be a notice
19 that you were being rejected from Virginia Tech?

20 A. I don't recall at the time how I
21 interpreted it, but it doesn't invite me to a
22 secondary application.

23 Q. Right.

24 And it also doesn't invite you to an
25 interview; correct?

1 D. TRAHANAS - VOLUME II

2 A. Correct.

3 MS. WERMUTH: Can we mark this, please.

4 (Trahanas Exhibit 94 marked for
5 identification.)

6 BY MS. WERMUTH:

7 Q. Okay. You've been handed now what's been
8 marked as Deposition Exhibit 94. These are
9 materials we received in connection with our
10 subpoena to Wayne State University.

11 MS. WERMUTH: We'll take a break after this
12 one.

13 A. Okay. Thanks.

14 Q. Okay. So if you could turn to Trahanas-NU
15 at 1111 -- I'm sorry, 11987.

16 A. I'm on that page now.

17 Q. Okay. And according to Wayne State's
18 records, you -- there -- there was an action taken
19 on your application on January 9th of 2015 that is
20 coded as a preliminary rejection.

21 Do you see that?

22 A. Yes.

23 Q. Okay. And do you recall receiving any
24 notification from Wayne State about the preliminary
25 rejection on that date?

1 D. TRAHANAS - VOLUME II

2 A. No.

3 Q. Okay. And on the next page, 11988, are you
4 with me?

5 A. I am.

6 Q. You'll see that Wayne State has coded your
7 application as rejected on February 15th of 2017.

8 Do you see that?

9 A. I do see that.

10 Q. And you don't dispute that this one is a
11 rejection; right?

12 A. No, it says rejection.

13 Q. And do you recall receiving a communication
14 from Wayne State with a rejection?

15 A. No.

16 Q. But you know you were rejected from Wayne
17 State; correct?

18 A. I -- I don't dispute their record.

19 Q. And did you search for Wayne State in your
20 gmail account?

21 A. I did. Wayne State, Wayne State
22 University, Wayne State University School of
23 Medicine, Michigan -- Wayne State Michigan, I'm
24 sorry. That's what I recall.

25 MR. DeROSE: Counsel, could you give me the

1 D. TRAHANAS - VOLUME II

2 number of the page you just talked about? What
3 was it? I'm sorry, because I'm on 11998, and
4 it's not a rejection at all.

5 MS. WERMUTH: 11988.

6 MR. DeROSE: 11988. Okay. I got it.

7 MS. WERMUTH: Okay. We can take a break
8 now.

9 VIDEOGRAPHER: Ending disc number two of
10 the deposition of Diane Trahanas. We are off
11 the record at 1:43 P.M.

12 (Lunch recess taken from 1:43 P.M.
13 to 2:23 P.M.)

1 D. TRAHANAS - VOLUME II

2 AFTERNOON SESSION

3 (Time noted: 2:23 P.M.)

4 VIDEOGRAPHER: And beginning disc number
5 three of the deposition of Diane Trahanas. We
6 are back on the record at 2:23 P.M.

7 MS. WERMUTH: Okay. I would like to have
8 this marked, please.

9 (Trahanas Exhibit 95 marked for
10 identification.)

11 MS. WERMUTH: Do you mind passing it? I
12 appreciate that.

13 D I A N E T R A H A N A S,

14 resumed and testified as follows:

15 CONTINUED EXAMINATION

16 BY MS. WERMUTH:

17 Q. All right. Ms. Trahanas, you've been
18 handed what's been marked as Deposition Exhibit 95.
19 These are the materials that we received from -- by
20 subpoena from Wash U. You applied to Wash U in the
21 2015 app- -- application cycle; right?

22 A. Yes.

23 Q. Okay. And if you would turn to Page --
24 what's marked WU0005. According to this document,
25 this is an e-mail sent to the

1 D. TRAHANAS - VOLUME II

2 diane.trahanas@gmail.com address on December 1st,
3 2014.

4 Do you see that?

5 A. Yes, at the top.

6 Q. And -- okay. And it's from
7 wumscoa@wustl.edu.

8 Do you see that?

9 A. I do.

10 Q. Do you recall receiving this e-mail on or
11 about December 1st of 2014?

12 A. I don't recall.

13 Q. Okay. Do you recall being invited to
14 submit supplemental application materials to
15 Washington University School of Medicine?

16 A. I don't recall.

17 Q. Okay. According to this e-mail you were
18 invited to do that; do you agree?

19 A. I do agree.

20 Q. Okay. And then, on the next page, Bates
21 labeled WU0006, on 12/18 of 2014 an e-mail is sent
22 to you at diane.trahanas@gmail.com.

23 Do you see that?

24 A. Yes.

25 Q. And it's from wumscoa@wustl.edu.

1 D. TRAHANAS - VOLUME II

2 Do you see that?

3 A. Yes.

4 Q. Okay. And according to this e-mail, your
5 supplemental application was still in draft status.

6 Do you see that?

7 A. I do.

8 Q. Do you recall starting to draft a
9 supplemental application for Washington University
10 School of Medicine?

11 A. I don't recall.

12 Q. Okay. Did you ever complete one for
13 Wash U?

14 A. I don't recall.

15 Q. Well, on the next page, WU0007, on
16 January 18 of 2015, from the same e-mail address to
17 your gmail address you were notified again that your
18 supplemental application could not be processed
19 without you completing it; right?

20 A. Yes, it says that in the e-mail.

21 Q. Okay. And as you sit here today, you
22 cannot state with any certainty that you, in fact,
23 did complete your supplemental application materials
24 by Wash U's deadline?

25 A. That's correct.

1 D. TRAHANAS - VOLUME II

2 Q. Or that you completed them at all, you
3 can't say that with certainty; right?

4 A. Correct.

5 Q. And did you search Wash U and any iteration
6 of Wash U College of Medicine in your e-mail
7 searches?

8 A. Yes. Washington University, Washington
9 University School of Medicine, Washington University
10 St. Louis. I believe I only searched St. Louis as
11 well. Did I say Wash -- and then Wash University.

12 Q. How is it that you're recalling all of
13 these specific e-mail searches, the actual search
14 terms, as you sit here today?

15 A. I'm not sure I can explain my, I guess,
16 neurological response to that, but sometimes things
17 are triggered from your memory. But I remember
18 searching for different iterations.

19 Also, I believe Dr. Schwulst went to this
20 school, so he would refer to it as, like, Wash U, so
21 that would give me, you know, something to -- an
22 iteration to look for.

23 Q. You'll see from the e-mails we just looked
24 at there's no -- the first one mentions Washington
25 University, but none of the other ones that we

1 D. TRAHANAS - VOLUME II

2 looked at mentions it.

3 Do you see that?

4 So Page Bates labeled 6 and 7, there is no
5 reference to university or Washington in those
6 e-mails.

7 Do you see that?

8 A. Yes. Well, no, it says Washington
9 University School of Medicine in the subject line.

10 Q. Not on Page 6 or 7; correct?

11 A. Not that I can see.

12 MR. DeROSE: On 7 don't you have a wstl.ed?

13 MS. WERMUTH: My question is whether it has
14 the word "Washington" or the word "University"
15 in these e-mails, which are the --

16 BY MS. WERMUTH:

17 Q. Did you search by "WUSTL"? That wasn't one
18 of the terms that you mentioned.

19 A. I don't -- yeah, I don't recall.

20 Q. Do you recall when you first -- you've
21 mentioned for each of the 10 or 12 schools that
22 we've talked about already today that you -- you
23 took some iteration of their name and ran searches
24 in your e-mail. Do you remember the first time you
25 ran searches using the names of the schools?

1 D. TRAHANAS - VOLUME II

2 A. No.

3 Q. Did you -- did you search for the word just
4 "medical school" or the words "medical school"?

5 A. Yes, medical school, medicine, School of
6 Medicine.

7 Q. Did you search for the word "application"?

8 A. Sure, medical school application, med
9 school application.

10 Q. No. My question is did you search for the
11 word "application," not in connection with other
12 words, but I'm just wondering did you do -- run any
13 searches under -- just using the term "application"
14 or "apply"?

15 A. I don't recall.

16 MS. WERMUTH: Can you mark this, please.

17 (Trahanas Exhibit 96 marked for
18 identification.)

19 MS. WERMUTH: Can I ask you -- thank you.

20 BY MS. WERMUTH:

21 Q. Okay. You've been handed now what's been
22 marked as Deposition Exhibit 96. These are
23 materials we received from the Frank H. Netter
24 School of Medicine at Quinnipiac.

25 Is that how you pronounce it, do you know?

1 D. TRAHANAS - VOLUME II

2 A. I believe so.

3 Q. Okay. You applied to Quinnipiac University
4 in the 2015 cycle; correct?

5 A. Yes.

6 Q. Okay. And if you look on Page NU -- I'm
7 sorry. Trahanas-NU11824, which is the last page?

8 A. Yes, I'm on that page.

9 Q. You see an e-mail dated 12 -- is that a 6
10 or 8? My eyes are bad with this copy -- 12/8/2014.

11 Do you see that?

12 A. Yes.

13 Q. And it's an e-mail from Tony Sorrento [sic]
14 to you, and what did you under- -- well, strike
15 that.

16 Do you recall receiving this e-mail on or
17 about December 8th of 2014?

18 A. I don't recall.

19 Q. And as read it today, you don't have any
20 reason to believe that this was not sent to you on
21 or about December 8th, 2014?

22 A. I have no way of confirming if it was sent
23 or not. There's no -- just like in snail mail, you
24 get like a certification of something being sent.
25 There is nothing signed back.

1 D. TRAHANAS - VOLUME II

2 Q. Do you have reason to dispute Quinnipiac's
3 records?

4 A. I can't speak to what -- how well their
5 computer system is. I don't know.

6 Q. You were never offered admission at
7 Quinnipiac; correct?

8 A. Correct.

9 Q. And you were never offered the opportunity
10 to interview at Quinnipiac; correct?

11 A. Correct.

12 Q. And you were never offered the opportunity
13 to submit secondary application materials at
14 Quinnipiac; right?

15 A. I don't -- I don't recall.

16 Q. Well, according to this e-mail, you were
17 being told in early December of 2014 that a decision
18 had been made not to send you a secondary
19 application in order to complete your application.

20 Do you see that?

21 A. Yes, I see that.

22 Q. Okay. Did you search your gmail account
23 for Quinnipiac, or Netter, or any of the other --

24 A. I recall Quinnipiac University, Quinnipiac
25 University School of Medicine. Those are the two I

1 D. TRAHANAS - VOLUME II

2 remember.

3 Q. You didn't search Netter?

4 A. I don't recall.

5 MS. WERMUTH: Can you mark that, please.

6 (Trahanas Exhibit 97 marked for
7 identification.)

8 BY MS. WERMUTH:

9 Q. Okay. You've been handed what's been
10 marked as Deposition Exhibit 97. These are the
11 materials we received from Western Michigan in
12 connection with our subpoena. I guess it's the
13 Western Michigan University Homer Stryker M.D.
14 School of Medicine.

15 Did you see apply to that school in the
16 2015 cycle?

17 A. Yes.

18 Q. Okay. Let me ask you this: As you sit
19 here right now, can you tell -- can you name for me
20 the schools that you applied to in 20 -- the 2018
21 cycle?

22 A. I can recall one.

23 Q. Only one?

24 A. Definitively one.

25 Q. And what school is that?

1 D. TRAHANAS - VOLUME II

2 A. Loyola University.

3 Q. And you were rejected from Loyola; right?

4 A. Correct.

5 Q. Okay. So looking at Deposition Exhibit 97,
6 can you turn to Page Trahanas-NU11769, please.

7 According to the records we received from Western
8 Michigan, an e-mail was sent to you on
9 December 9th of 2014 with this content.

10 Do you recall receiving an e-mail with this
11 content?

12 A. No, I do not.

13 Q. Okay. And according to this particular
14 record, you were being notified by Western Michigan
15 that they were not going to extend you an invitation
16 to complete a supplemental application.

17 Do you see that?

18 A. Yes.

19 Q. Do you recall a communication from Western
20 Michigan telling you as much?

21 A. I don't recall that.

22 Q. Do you recall being rejected from Western
23 Michigan?

24 A. I don't recall.

25 Q. All right. Can you turn to the page marked

1 D. TRAHANAS - VOLUME II

2 11772. Do you see in the middle of the page there's
3 a box that says --

4 MR. DeROSE: Excuse me.

5 MS. WERMUTH: Bless you.

6 MR. DeROSE: Thank you.

7 BY MS. WERMUTH:

8 Q. -- "Applicant status activity log."

9 Do you see that?

10 A. I do.

11 Q. And do you see that there is an entry with
12 a date of 12/9/2014 at 9:47 A.M.?

13 A. Yes.

14 Q. And the action associated with that entry
15 is "Decline after AMCAS"?

16 A. I see that.

17 Q. Okay. And you have no review to dispute
18 the accuracy of Western Michigan's records?

19 A. Correct.

20 Q. And did you search Western Michigan
21 University in your gmail account?

22 A. I remember searching Western Michigan
23 University. That's the one I can definitively say.

24 Q. What about Homer?

25 A. I don't recall.

1 D. TRAHANAS - VOLUME II

2 Q. What about Stryker?

3 A. It's possible. I don't recall.

4 MS. WERMUTH: Mark this, please.

5 (Trahanas Exhibit 98 marked for
6 identification.)

7 MS. WERMUTH: Would you mind passing that
8 to your Counsel. Thank you.

9 BY MS. WERMUTH:

10 Q. Okay. You've been handed what's been
11 marked as Deposition Exhibit 98, which is the
12 materials we received from Sidney Kimmel Medical
13 College at Thomas Jefferson University. Turning to
14 Page Trahanas-NU11683, do you see that the preferred
15 contact information provided to this particular
16 school is your e-mail at diane.trahanas@gmail.com?

17 A. Yes, I do.

18 Q. Okay. And that was your preferred contact
19 method; is that right?

20 A. Yes.

21 Q. And you'll see in the -- on the same page
22 in the upper right, not the far upper right, but in
23 the light green box where it says "action"?

24 A. I'm sorry. There's -- there is no green on
25 my page.

1 D. TRAHANAS - VOLUME II

2 Q. Oh, I'm so sorry.

3 A. That's okay.

4 Q. Yeah, yeah.

5 So there's a box that says "primary
6 applicant information" on the left.

7 Do you see that?

8 A. I do.

9 Q. And it has your name, and then it has your
10 AAMC I.D. number.

11 Do you see that?

12 A. I follow, yes.

13 Q. Okay. And there is a box -- there is a
14 field here that says "action," colon.

15 Do you see that?

16 A. Yes.

17 Q. And next to that it says "Preliminary
18 rejection 1/20/2015."

19 Do you see that?

20 A. I do.

21 Q. Do you recall receiving an e-mail from
22 Sidney Kimmel --

23 A. I do --

24 Q. -- with a preliminary rejection on
25 1/20/2015?

1 D. TRAHANAS - VOLUME II

2 A. I do not recall that.

3 Q. And you know that you were not accepted to
4 Sidney Kimmel; correct?

5 A. Correct.

6 Q. And you did not receive an invitation
7 for -- to submit secondary materials; correct?

8 A. I -- I don't recall.

9 Q. You did not receive an invitation to
10 interview; correct?

11 A. Correct.

12 Q. Do you know that most interviews for
13 medical school applicants are done -- are completed
14 typically before the end of January of each
15 application cycle?

16 A. That's not -- no, I don't know that.

17 Q. You don't know that.

18 And is the reason that you don't know
19 because you were not invited to interview with any
20 of the medical schools?

21 A. No. It's because I've known people to
22 interview as late as June. And typically, at least
23 until April, I would say that's a normal interview
24 cycle.

25 Q. What's the basis of that understanding on

1 D. TRAHANAS - VOLUME II

2 your part?

3 A. Working in the medical field, having a lot
4 of friends that are students, or were students, or
5 residents, and speaking to various deans or
6 programs, medical school programs. Also, it depends
7 on the type of medical school that you're referring
8 to.

9 Q. And the type of medical schools that you
10 applied to in the 2015 cycle all completed their
11 interview cycle some time in, at the very latest, in
12 January or February of 2015?

13 A. I don't know.

14 Q. You don't know, okay.

15 Did you search your Gchats for data related
16 to your medical school applications?

17 A. Um, anything -- any term I searched for
18 would search for anything that's related to my
19 gmail. So inbox, send, trash, if that's a folder,
20 then it searches it.

21 Q. So it automatically searches Gchat when
22 you're in gmail? So if you're running a search in
23 gmail, Gchat gets included in that search?

24 A. Yes, much like anything sent is -- is
25 found, as much as anything in the inbox, per se.

1 D. TRAHANAS - VOLUME II

2 Q. Did you search Sidney Kimmel or Thomas
3 Jefferson in your gmail account?

4 A. Sidney Kimmel College of Medicine I
5 remember. And again, if it was on the AMCAS
6 application, the way that the name is on the AMCAS
7 application, I would include that or some iteration
8 of that. So if Thomas Jefferson is in that list,
9 then I would search for that too.

10 Q. Okay. Now for the 2018 cycle, by that time
11 you're -- you're well entrenched in the litigation
12 here; right?

13 A. The 2018, so yes.

14 Q. Right.

15 So you filed the lawsuit in December of
16 2015; correct?

17 A. Correct.

18 Q. Okay. So by the time you went through the
19 application cycle for 2017, which would
20 have -- strike that.

21 That -- the application cycle for 2018
22 matriculation would have required you to submit
23 application materials in 2017; right?

24 A. Correct.

25 Q. And by that time your lawsuit had been

1 D. TRAHANAS - VOLUME II

2 pending a couple of years?

3 A. Correct.

4 Q. And so, you knew you had an obligation to
5 preserve the e-mails related to your 2018
6 application cycle; correct?

7 A. Yes.

8 Q. Okay. And you produced some of those
9 communications, but not all of them; correct?

10 A. Whatever I had, I know I sent you, so
11 I'm . . .

12 MS. WERMUTH: Give me just a minute,
13 please.

14 (Whereupon a discussion was had off the
15 record.)

16 MS. WERMUTH: So can I please have this
17 marked.

18 (Trahanas Exhibit 99 marked for
19 identification.)

20 Q. Okay. So this is Deposition Exhibit 99,
21 and you see it's Bates labeled TRAHANAS ADD
22 Exhibit 425.

23 Do you know what -- what that means?

24 A. Um, I remember it as it being requested. I
25 sent my 2018 AMCAS report, and so this was added to

1 D. TRAHANAS - VOLUME II

2 the other documents I had sent.

3 Q. Okay. So you did not produce this in
4 connection with our first request for documents, it
5 was only after we specifically came back and -- and
6 asked your lawyer to make sure we got this; is that
7 right?

8 A. It -- I don't recall either way. He may
9 have had it before, but we didn't add it until later
10 because he needed to Bates stamp it. I don't know.

11 Q. But it's -- it's marked "add" because it
12 was not included with the original production;
13 correct?

14 A. I would assume so, yes.

15 Q. And it looks like, based on what is listed
16 as a report date, that it wasn't actually run -- or
17 printed until February of 2018.

18 Do you see that?

19 A. Yes.

20 Q. Okay. And if I look at the last page of
21 this exhibit --

22 A. Uh-hum.

23 Q. -- there's a list of schools.

24 Do you see that?

25 A. Yes.

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2 Q. Do you know what that means, the designated
3 program, do you know what means?

4 A. Those are the schools I had applied to --

5 Q. Okay.

6 A. -- for the 2018 cycle.

7 Q. Okay. So in addition to producing your
8 application -- and, by the way, in order to produce
9 this application, you had to go into the AMCAS
10 system and have this printed; right?

11 A. Correct.

12 Q. And you were able to access the system in
13 February of 2018?

14 A. According to this, yes.

15 Q. Well, do you remember accessing it in
16 February of 2018?

17 A. I remember accessing it. I don't remember
18 when.

19 Q. Okay. And when you accessed it, were you
20 also able to access a report for the 2018 entering
21 class? I'm sorry, 2015 entering class, not 2018.

22 A. I don't recall.

23 Q. And if you were to log into your AMCAS --
24 the AMCAS system now, would you still be able to see
25 your 2018 materials?

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2 A. I don't know.

3 Q. And if you logged in now, would you be able
4 to see your 2015 materials?

5 A. I don't know.

6 Q. And you didn't check for that before coming
7 here today?

8 A. I checked --

9 MR. DeROSE: You mean ever or just for the
10 dep? I don't know what you mean by that.

11 A. Yeah, can you please clarify?

12 BY MS. WERMUTH:

13 Q. Okay. So any time between October 2014 and
14 the present have you gone into the AMCAS system to
15 see if you can still access your 2015 application
16 materials?

17 A. Yes.

18 Q. When?

19 A. I don't know.

20 Q. How many times?

21 A. I don't recall.

22 Q. And between the time that you originally
23 applied, which looks like it was for the 2018 class,
24 September 24th, 2017, and the present, have you gone
25 into the AMCAS system to find -- to -- to look at or

1 D. TRAHANAS - VOLUME II

2 pull information relating to your 2018 application
3 cycle?

4 A. Since the submission date, yes.

5 Q. Okay. How many times?

6 A. I don't know.

7 Q. When?

8 A. I don't recall dates.

9 Q. And between February 5th, 2018, and today,
10 have you gone into the AMCAS system to pull
11 information in connection with this litigation?

12 A. I don't -- it says here February 5th of
13 2018, so that's at least once. I don't know how
14 many other times.

15 Q. Any times after February 5th, 2018?

16 A. I -- I don't recall.

17 Q. Okay. And so, the schools on the last
18 page, which are Bates labeled 440, those are the
19 schools you applied to in the 2015 cycle -- I'm
20 sorry, 2018 cycle?

21 A. Yes.

22 Q. And it looks like three of them overlap
23 with your application in 2015; is that right? Wayne
24 State, Oakland?

25 A. I would agree with those two, yes.

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2 Q. Florida State?

3 A. No.

4 Q. Central Michigan. Central Michigan you
5 applied to in 2015?

6 A. I know there was another Michigan school,
7 and I know there was a couple Florida schools. I
8 would have to look and double check.

9 (Whereupon a discussion was had off the
10 record.)

11 BY MS. WERMUTH:

12 Q. Okay. So Exhibit 94.

13 A. Okay.

14 Q. You applied to Wayne State in 2015 cycle;
15 right?

16 A. Yes.

17 Q. And the 2018 cycle; correct?

18 A. Correct.

19 Q. Exhibit 92, you applied to Florida State in
20 the 2015 cycle?

21 A. Yes.

22 Q. You applied to Florida State in the 2018
23 cycle; correct?

24 A. Yes.

25 Q. Exhibit 87, you applied to Central Michigan

1 D. TRAHANAS - VOLUME II

2 in the 2015 cycle; correct?

3 A. Correct.

4 Q. And you also applied in the 2018 cycle?

5 A. Yes.

6 Q. Exhibit 85, you applied to Oakland in the
7 2015 cycle?

8 A. Yes.

9 Q. And in the 2018 cycle?

10 A. Correct.

11 Q. The remaining schools you applied to in
12 2018 you did not apply to in 2015; am I correct?

13 A. Correct.

14 MS. WERMUTH: Okay. Can we mark these,
15 please.

16 (Trahanas Exhibit 100 marked for
17 identification.)

18 BY MS. WERMUTH:

19 Q. Okay. So I'm handing you now what's been
20 also marked as -- I'm sorry, what's been marked as
21 Deposition Exhibit 100, which is also an
22 additional -- says "Trahanas Additional Doc 101."

23 Do you see that?

24 A. Yes.

25 Q. Do you recognize the materials in

1 D. TRAHANAS - VOLUME II

2 Exhibit 100?

3 A. Yes.

4 Q. And what do you recognize these to be?

5 A. Notifications from the various schools that
6 I had applied to for the 2018 cycle.

7 Q. And in order to retrieve these informations
8 from your -- I'm sorry.

9 And the reason it's Bates labeled
10 "additional" is because it was not part of your
11 original production to us; is that right?

12 A. Correct.

13 Q. Okay. And the reason it was not part of
14 your original production to us is because you didn't
15 search for these schools in your gmail, is that
16 correct, in connection with the original request?

17 A. If I remember correctly, the original
18 request was made at my deposition for these
19 documents.

20 Q. Okay. And so, you searched for these after
21 your deposition; is that right?

22 A. I -- I don't recall when I searched for
23 them.

24 Q. Well, I can -- we can determine when you
25 produced them based on when your lawyer sent them to

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2 us, but you would agree with me they were not
3 submitted with your original request -- I mean your
4 original production; right?

5 A. As I look at the documents right now, these
6 wouldn't have been available to me at that time,
7 because they are in February.

8 Q. Okay. Although some were in December of
9 2017; correct? November 2017 I see.

10 A. I do see one for November, and I do see one
11 for December, yes.

12 MS. WERMUTH: Okay. Could you mark that,
13 please.

14 (Trahanas Exhibit 101 marked for
15 identification.)

16 MS. WERMUTH: Do you mind passing that?

17 Thank you.

18 BY MS. WERMUTH:

19 Q. You've been handed what's been marked as
20 Deposition Exhibit 101.

21 Do you recognize this document?

22 A. It seems familiar.

23 Q. Okay. So this is the document request that
24 the defendants' served on you on September 5th of
25 2017. Okay? You helped your lawyer respond to

1 D. TRAHANAS - VOLUME II

2 these document requests; correct?

3 A. Yes.

4 Q. Okay. And you'll see on Page 2 there's a
5 definition of "document."

6 Do you see that?

7 A. Yes.

8 Q. And that -- that definition includes
9 e-mails, if you look five lines in?

10 A. I see that.

11 Q. Okay. And it also, if you look two lines
12 up, any -- "all other records kept by written,
13 electronic, photographic, or mechanical means."

14 Do you see that?

15 A. Yes.

16 Q. Okay. So you understood that when you were
17 searching for documents, you needed to look at
18 e-mails and other electronically stored information;
19 is that right?

20 A. Yes.

21 Q. Okay. And you will agree with me that
22 document request No. 5 specifically asks for
23 documents -- electronic documents regarding your
24 applications to medical school.

25 Do you see that? It's on Page 6, document

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2 request No. 5.

3 A. Yes.

4 Q. Okay. So there was a specific request for
5 documents related to your applications to medical
6 school; right?

7 A. Yes.

8 Q. Right.

9 And it says applications in the plural;
10 correct?

11 A. Yes.

12 Q. Okay. Yeah, and you would agree with me
13 that -- strike that.

14 So there's a document request No. 4 on that
15 same page. It asks for all communications between
16 you and any other person concerning matters alleged
17 in the second amended complaint.

18 Do you see that?

19 A. I do.

20 Q. And that would include e-mail messages;
21 right?

22 A. Yes.

23 Q. Okay. And that would encompass
24 communications with medical schools; correct?

25 A. Yes.

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2 Q. Do you recall what your testimony was in
3 January of 2018 about your searches for -- in your
4 e-mail?

5 A. No, I do not recall.

6 Q. Do you remember that you said you searched
7 for names and events?

8 A. Yes, I recall that, now that you say it.

9 Q. Okay. And did that include names of
10 medical schools?

11 A. I don't recall.

12 Q. Do you remember when I asked you if you
13 searched in Gchat?

14 A. At my earlier deposition --

15 Q. Correct.

16 A. -- or earlier today?

17 Q. No, at your deposition in 2018.

18 A. I don't remember.

19 Q. Okay. So you don't remember telling me
20 that you did not search in Gchat?

21 A. I don't recall.

22 Q. And then, do you remember when I asked you
23 what you did to search for medical school
24 applications at that time?

25 A. I don't recall.

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2 Q. So you don't know if your testimony today
3 is consistent with what you told me a year ago?

4 MR. DeROSE: And, Counsel, that's not the
5 appropriate --

6 MS. WERMUTH: I'll withdraw it.

7 MR. DeROSE: -- way to impeach.

8 MS. WERMUTH: I'll withdraw it.

9 MR. DeROSE: So, all right. Thank you.

10 MS. WERMUTH: I'll withdraw it. The record
11 stands. She was under oath at the time.

12 MR. DeROSE: Well, there was no doubt about
13 that. If you want to show her questions and
14 answers and what did you say, I'd be happy to
15 let you show her her dep.

16 BY MS. WERMUTH:

17 Q. Okay. Sticking with Exhibits 100 and
18 101 -- I'm sorry, 99 and 100.

19 A. Okay.

20 Q. I don't see any e-mails in -- or any
21 communications in Deposition Exhibit 100 coming from
22 East Tennessee State. Can you tell me if I'm wrong?

23 A. You are not wrong.

24 Q. Okay. Did you do anything to search for
25 communications from East Tennessee State?

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2 A. Yes.

3 Q. And did you not discover any e-mails from
4 East Tennessee State?

5 A. Anything I had, I gave you.

6 Q. Did you delete e-mails from East Tennessee
7 State during the pendency of this litigation?

8 A. No.

9 Q. So you didn't -- so your testimony is you
10 didn't ever receive an e-mail from East Tennessee
11 State?

12 A. Correct.

13 MR. DeROSE: Counsel, what she said was I
14 gave you what I got, and I did not delete
15 anything. So you know that's not fair.

16 MS. WERMUTH: It is fair. It's a
17 legitimate question.

18 BY MS. WERMUTH:

19 Q. Okay. Looking at Exhibit 99, it looks like
20 the first e-mail is from SF -- FSU -- I'm sorry,
21 100, from FSU.

22 Do you see that?

23 A. Yes.

24 Q. Now, I'm having a little trouble following
25 these particular e-mails. So I see there's -- it

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2 says medadmissions@med.fsu.edu to me.

3 Do you see that?

4 A. Correct.

5 Q. And then there's, like, a little arrow --

6 A. Yes.

7 Q. -- next to that.

8 What -- what does that arrow indicate?

9 A. My e-mail address.

10 Q. Okay. So if I clicked on that, I would see
11 diane.trahanas@gmail.com?

12 A. Yes.

13 Q. What is the question mark to the left?

14 A. We'd have to ask FSU about that. I don't
15 know.

16 Q. So that's not something you put on this
17 communication?

18 A. No.

19 Q. Is it a gmail indicator?

20 A. I've never seen that before in -- a gmail
21 indicator.

22 Q. And I only see the date Feb 21, but I don't
23 see a year. Can you explain that to me?

24 MR. DeROSE: Don't guess. If you know,
25 just tell her.

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2 MS. WERMUTH: Please don't instruct the
3 witness. Thank you.

4 MR. DeROSE: Excuse me, Counsel, I'm not
5 instructing the witness, but I'm telling her if
6 she doesn't know she --

7 MS. WERMUTH: I'm not instructing, but I'm
8 telling her.

9 MR. DeROSE: Excuse me. It's not a hard
10 question. If you don't know, tell her.

11 MS. WERMUTH: I object to you instructing
12 the witness.

13 MR. DeROSE: You can object to everything.
14 I've before very patient with -- this is way
15 beyond what the judge allowed, but you keep
16 going, Counsel. I'll bring it up with the
17 court if I must.

18 A. I'm sorry. Can I have you read the
19 question back?

20 (Record was read as requested.)

21 A. I cannot explain that to you.

22 BY MS. WERMUTH:

23 Q. How do you know this is for the 2018 cycle?

24 A. It's in regards to my application for
25 Florida State University for the 2018 entering

1 D. TRAHANAS - VOLUME II

2 class.

3 Q. How do you know that?

4 A. This is the e-mail that came up when I
5 searched for the 2018 applications. So
6 February 21st is of 2018. Why it doesn't say 2018,
7 I can't tell you.

8 Q. So just so I'm clear, when you searched for
9 medical school applications for the 2018 cycle, you
10 put the school name in and a year in connection with
11 this?

12 A. No.

13 Q. Okay. So you applied to FSU in both 2015
14 and 2018. How do I know that this is the 2018
15 response?

16 A. Because this is what came up when I
17 searched for it, so this is the -- this is the
18 e-mail that they gave me in response to that. I
19 don't know why 2018 is cut off.

20 Q. But I -- what I'm asking you is why you
21 believe it's 2018. Like, what did you do when you
22 searched for it to -- to con- -- for you to be
23 convinced today that this relates to the 2018
24 application?

25 A. Because it would say February 21st, 2018.

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2 Q. But it doesn't say that.

3 A. It's not printed here.

4 Q. So with it -- without it being printed
5 here, how can you be assured today, as you sit here,
6 that it's from 2018 and not from 2015?

7 A. Because I know I searched for it, and I
8 remember giving this to John.

9 Q. But you searched for it for 2015 as well.
10 So how do you know that this is the result that came
11 up for 2018?

12 A. Because it would have the date next to it.

13 MS. WERMUTH: All right. Then I'm going to
14 ask for copies with dates on them, then. Okay?

15 MR. DeROSE: If you've got them. I don't
16 know if we can produce it, if this is what --

17 MS. WERMUTH: Well, it doesn't have the
18 year on it.

19 MR. DeROSE: If you've got more documents
20 that we haven't produced, please give them to
21 me, and I will get them to counsel right
22 away --

23 MS. WERMUTH: I'm talking about a
24 document --

25 MR. DeROSE: -- even though discovery is

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2 closed.

3 MS. WERMUTH: -- with -- with a date, a
4 full date on it.

5 MR. DeROSE: I understand what you're
6 asking for.

7 MS. WERMUTH: It's not an additional
8 document. It's a full document.

9 MR. DeROSE: Counsel, can you please tell
10 me how this relates to the discovery deposition
11 that His Honor granted you for a very limited
12 purpose?

13 MS. WERMUTH: I don't think I have to
14 explain that to you. What I've told you is
15 that how she searched her e-mails, what she
16 discovered when she searched her e-mails are
17 part of it. She is telling me she discovered
18 this when she searched her e-mails, but I can't
19 tell what year this is, because there is no
20 year date on there.

21 MR. DeROSE: I can't either.

22 MS. WERMUTH: There you go.

23 MR. DeROSE: And she might not have a date
24 for it, and I can't create what we don't have.
25 That's why I constantly asked you subpoena the

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2 records from the schools. She doesn't have to
3 produce things she doesn't have.

4 MS. WERMUTH: But she has a duty to
5 preserve things that she should preserve. And
6 if she's deleting e-mails or not preserving
7 them with the dates on them, that's an issue
8 that I'm going to continue to raise.

9 BY MS. WERMUTH:

10 Q. Let's turn to the next page, please. This
11 is from Nova -- Nova Southeastern University. You
12 applied to that school only in the 2018 cycle;
13 right?

14 A. Correct.

15 Q. Okay. By the way, let me go back to -- I'm
16 sorry. Let's go back to FSU, the first page there.

17 It says in this e-mail that all of the
18 required admission criteria were not met.

19 Do you see that in the -- in the sentence
20 that -- the paragraph that begins with
21 "unfortunately"?

22 A. I do see that.

23 Q. Were you invited to submit secondary
24 application materials to FSU?

25 A. I don't know.

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2 Q. Did you -- did any e-mails other than just
3 this one e-mail come up in your e-mail search?

4 A. If it came up, it would -- I would have
5 given it to you.

6 Q. So you may have deleted other e-mails from
7 FSU?

8 A. That's not what I said.

9 Q. But that's my question. Is it possible you
10 deleted other e-mails from FSU?

11 MR. DeROSE: Objection what's possible.

12 MS. WERMUTH: Okay. She can answer.

13 A. What I searched for, I found, gave to John,
14 and he gave to you.

15 BY MS. WERMUTH:

16 Q. Okay. But here's my question: Did you
17 delete e-mails to or from any of the schools you
18 applied to in 2018?

19 A. No.

20 Q. You didn't delete any of them?

21 A. To the best of my recollection, I would
22 never delete something when I'm supposed to preserve
23 it.

24 Q. Okay. The next page, please, which is
25 Bates labeled Trahanas Additional Doc 100, again, I

1 D. TRAHANAS - VOLUME II

2 don't see a date on here, but the only year that you
3 applied to this school was in 2018 cycle; is that
4 right?

5 A. Correct.

6 Q. Okay.

7 MR. DeROSE: We have the question mark and
8 the -- it's just like the last one.

9 MS. WERMUTH: I get to ask those questions.

10 MR. DeROSE: I understand that, but,
11 Counsel, these are all the things out of her
12 computer. So probably her computer is the one
13 that's putting the question mark on it.

14 MS. WERMUTH: That's what I'm trying to
15 find out from her.

16 MR. DeROSE: Well, I'm trying to help you.

17 MS. WERMUTH: I see a question mark on this
18 page, just like I saw on the prior page.

19 MR. DeROSE: So do I.

20 BY MS. WERMUTH:

21 Q. And you had previously indicated that you
22 thought the question mark came from FSU.

23 Does this help you understand where the
24 question mark comes from?

25 A. No. Again, I don't know if that's their

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2 icon, just a question mark. Sometimes people put
3 their picture as an identification on their gmail or
4 another e-mail address. But if it's a school
5 address, I doubt it.

6 MR. DeROSE: This is the problem with you
7 guessing, because I have a very different
8 theory about it.

9 Go ahead, Counsel.

10 A. I don't know.

11 MR. DeROSE: That's better.

12 MS. WERMUTH: I continue to object to this
13 coaching.

14 MR. DeROSE: Counsel --

15 MS. WERMUTH: I think it's wildly
16 inappropriate.

17 MR. DeROSE: -- this is not coaching. You
18 and I know very well when she searches that
19 number -- that her computer is putting the
20 question mark on.

21 MS. WERMUTH: We -- I don't know that.

22 MR. DeROSE: Oh, well, I -- I can -- and I
23 don't even know computers as well as either one
24 of you. You are kind of --

25 MS. WERMUTH: Well, you're not under oath

1 D. TRAHANAS - VOLUME II

2 here. Your client is.

3 MR. DeROSE: You are kind of wasting time.
4 We've been together now for about six hours on
5 a very limited deposition.

6 Go ahead.

7 BY MS. WERMUTH:

8 Q. Was there any e-mail prior to one on
9 February 26th that you received from Nova
10 Southeastern University that you did not produce?

11 A. No. If I had it, I produced it.

12 Q. So if -- so you -- you did -- so my
13 question then is: Did you receive an e-mail from
14 Nova Southeastern University acknowledging receipt
15 of your application?

16 A. If I had received it, I would give it to
17 you.

18 Q. So is the answer to my question, no, I did
19 not receive an e-mail acknowledging --

20 A. No, I didn't say no, I didn't receive it.
21 I -- if I had it, and I received it, I would have
22 given it to John to give to you.

23 Q. Okay. My question is: As you sit here
24 today, do you recall receiving from Nova -- Nova
25 Southeastern University an e-mail acknowledging

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2 receipt of your application?

3 A. No, I don't recall that.

4 Q. Do you recall receiving from Nova
5 Southeastern University an e-mail asking you to
6 submit secondary -- or inviting you to submit
7 secondary application materials?

8 A. No, I don't recall.

9 Q. And you didn't delete any such e-mails?

10 A. Correct.

11 Q. This one's difficult to read. This is
12 tradition -- or Trahanas Additional Doc 97. It
13 looks like it's from Central Michigan College of
14 Medicine.

15 Do you see this?

16 A. Yes.

17 Q. And it says "admission decision"?

18 A. Yes.

19 Q. And it says February 27th, but again I
20 don't have a year. I do see, though, that there's
21 an indication in the body of the e-mail that this
22 was the 2018 entering class.

23 Do you see that?

24 A. Yes.

25 Q. Okay. Did you receive any e-mails from

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2 Central Michigan prior to February 27th of 2018
3 acknowledging receipt of your application?

4 A. I don't recall.

5 Q. Did you delete an e-mail acknowledging
6 receipt of your application from CMU?

7 A. No.

8 Q. Did you receive prior to February 27th,
9 2018, any e-mail from Central Michigan college
10 asking or inviting you to submit secondary
11 materials?

12 A. I don't recall.

13 Q. Did you delete any such e-mail?

14 A. No.

15 Q. Okay. Trahanas Additional Doc 94, this is
16 Loyola Stritch. It looks to be in letter form, but
17 it looks like it was sent to you by e-mail.

18 Did you pull this from your gmail account?

19 A. Yes.

20 Q. Okay. And it says in the body of the
21 e-mail, "We are sorry to inform you that we will not
22 be able to offer you an interview for the class of
23 2022."

24 Do you see that?

25 A. Yes.

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2 Q. Did you apply to Loyola Stritch for the
3 entering class of 2022?

4 A. No.

5 Q. Did you receive any communications from
6 Loyola Stritch prior to February 27th, 2018,
7 regarding receipt of your application?

8 A. I don't recall.

9 Q. Did you delete any such e-mails?

10 A. No.

11 Q. Did you receive any e-mails prior to
12 February 27th, 2018, from Loyola Stritch inviting
13 you to submit a secondary application?

14 A. I don't recall.

15 Q. Trahanas Additional Doc 95. Okay. Is this
16 an e-mail? This is strange to me. It says
17 mdadmissions@wayne.edu.

18 Do you see that?

19 A. I do.

20 Q. To me.

21 Do you see that?

22 A. Yes.

23 Q. And this looks like it was from your inbox;
24 is that right?

25 A. Yes.

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2 Q. And this was one of the schools that you
3 applied to in 2015 as well; correct?

4 A. Correct.

5 Q. Okay. But we know this is the e-mail from
6 2018, because it talks about the 2018 entering
7 class.

8 Do you see that?

9 A. Yes.

10 Q. And did you receive any e-mails from Wayne
11 State prior to February 28th of 2018 acknowledging
12 receipt of your application?

13 A. I don't recall.

14 Q. Did you delete any such e-mail?

15 A. No.

16 Q. Did you receive any e-mails from Wayne
17 State University prior to February 28th, 2018,
18 inviting you to submit secondary materials?

19 A. I don't recall.

20 Q. But you didn't delete any such e-mails?

21 A. Correct.

22 Q. Please look at Trahanas Additional Doc 96.
23 This is from Oakland; is that right?

24 A. Yes.

25 Q. To your gmail account dated March 7th,

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2018.

Do you see that?

A. Yes.

Q. Did you receive any e-mails from Oakland prior to March 7th, 2018, acknowledging receipt of your application for the 2018 cycle?

A. I don't recall.

Q. Did you delete any e-mails from Oakland?

A. No.

Q. Did you receive an e-mail from Oakland inviting you to submit secondary application materials for the 2018 cycle?

A. I don't recall.

Q. All right. This page isn't Bates labeled, I'm not sure why, but it looks to be an e-mail from coopermed.rowan.edu to you.

Do you see that?

A. Yes.

Q. And it says -- it's dated March 23rd, but again, I don't see the year.

Did you apply to Cooper Medical in any year other than the 2018 cycle?

A. No.

Q. Okay. And did you receive any e-mail

1 D. TRAHANAS - VOLUME II

2 communications from Cooper Medical School prior to
3 March 23rd, 2018, in connection with your
4 application for the 2018 cycle?

5 A. I -- I don't recall.

6 Q. Did you delete any e-mails from Cooper
7 Medical School?

8 A. No.

9 Q. Trahanas Additional Doc 102 is RFU. What
10 is that school?

11 A. Oh, Rosalind Franklin University.

12 Q. Okay. And this is an e-mail that you
13 retrieved from your inbox?

14 A. Yes.

15 Q. And it says April 3rd, two days ago.

16 Do you see that?

17 A. Yes.

18 Q. Does that mean you did the search on
19 April 5th of 2018?

20 A. I -- I don't know what that means. I don't
21 know.

22 Q. Is it possible that you searched for this
23 e-mail on or about April 5th of 2018?

24 A. It's possible.

25 Q. Now, in this e-mail it says in the -- in

1 D. TRAHANAS - VOLUME II

2 the first paragraph, the last sentence, "Our records
3 indicate that you did not take action on your file
4 as requested in the application process during the
5 specified time frame for the Chicago Medical
6 School."

7 Do you see that?

8 A. I do.

9 Q. Do you have another e-mail from RFU
10 inviting you to complete the application process
11 within a specified time frame?

12 A. Not that I recall.

13 Q. Did you delete any e-mails from RFU?

14 A. No.

15 Q. Okay. Looking at the next page, which is
16 not Bates labeled for some reason, these -- the next
17 two pages I think -- next three pages go together.
18 This is from Howard University College of Medicine.
19 And this is an e-mail dated November 14th of 2017.

20 Do you see that?

21 A. I do.

22 Q. And you were able to retrieve this e-mail
23 to produce in this litigation; correct?

24 A. Yes.

25 Q. And according to this e-mail, you were

1 D. TRAHANAS - VOLUME II

2 being invited to submit secondary application
3 materials.

4 Do you see that?

5 A. Yes.

6 Q. And you were told that those materials were
7 due on January 15th of 2018?

8 A. Correct.

9 Q. Did you submit those materials?

10 A. I don't recall.

11 Q. From just a year ago you don't recall if
12 you submitted the final application materials to
13 Tulane -- I'm sorry, to Howard?

14 A. I don't recall.

15 Q. Did you get any follow-up e-mail from
16 Howard after they invited you to submit secondary
17 application materials?

18 A. If I had it, I -- I would give it to you.

19 Q. Did you delete any e-mails from Howard
20 University?

21 A. No.

22 Q. Tulane, the final page, this is an e-mail
23 dated December 20th of 2017.

24 Do you see that?

25 A. Yes.

1 D. TRAHANAS - VOLUME II

2 Q. And this was still in your e-mail box when
3 you searched for Tulane University; correct?

4 A. Yes.

5 Q. And this is a -- an e-mail inviting you to
6 submit secondary application materials to Tulane;
7 correct?

8 A. Yes.

9 Q. Did you submit the application fee for the
10 secondary application materials?

11 A. I don't recall.

12 Q. Did you submit secondary application
13 materials?

14 A. I -- I don't recall.

15 Q. Did you receive any other e-mail
16 communications from Tulane University?

17 A. If I had it, I would give it to you.

18 Q. Did you delete e-mails from Tulane
19 University?

20 A. No.

21 Q. Okay. Were you rejected from Howard
22 University?

23 A. Um, I did not interview there. I don't
24 remember. I don't recall.

25 Q. Were you accepted to any medical school for

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the 2018 cycle?

A. No.

Q. Okay. So you were ultimately rejected from Howard University?

A. Yes.

Q. Okay. And also from Tulane University?

A. Yes.

Q. How were you notified of -- of those decisions?

A. I don't know, but you just asked me to -- if I was not accepted.

Q. Were you notified of decisions by Tulane or Howard University that you were not accepted for admission?

A. I -- I don't have anything else. If it's --

Q. My question is were you notified?

A. I don't recall.

Q. Okay. So you testified previously that sometimes notifications come by hard copy mail; right?

A. Yes.

Q. Okay. And you've been providing to us anything that's come by hard copy mail from these

1 D. TRAHANAS - VOLUME II

2 universities as well?

3 A. Correct.

4 MS. WERMUTH: Can I have this marked,
5 please.

6 (Trahanas Exhibit 102 marked for
7 identification.)

8 MS. WERMUTH: Would you mind passing that?
9 Thank you.

10 BY MS. WERMUTH:

11 Q. Okay. Ms. Trahanas, now, we've looked
12 already at Deposition Exhibit 101, which is our
13 document requests, right, which were served on you
14 on September 5th of 2017; right?

15 A. Yes.

16 Q. Okay. And I sent this letter to your
17 counsel on January 29th of 2018, and you'll see from
18 the second page that in the middle, the fifth
19 bullet -- I'm sorry, of 102, of Exhibit 102, the
20 fifth bullet, we are asking for all of your medical
21 application materials for the 2015 and 2018 cycle.

22 Do you see that?

23 A. Yes.

24 Q. Okay. So before January 29th of 2018 had
25 you searched your e-mail for any of these medical

1 D. TRAHANAS - VOLUME II

2 school application materials?

3 A. I don't recall.

4 Q. After getting this letter, did you search
5 e-mails in your gmail account for medical school
6 application materials?

7 A. Yes.

8 Q. Okay.

9 MS. WERMUTH: Mark this, please.

10 (Trahanas Exhibit 103 marked for
11 identification.)

12 BY MS. WERMUTH:

13 Q. In a follow-up to my January 9 --
14 29th letter, Exhibit 102, I received an e-mail from
15 your counsel on February 6th, so if you look at the
16 second page of Exhibit 102.

17 A. Okay.

18 Q. Do you see that? Okay.

19 Attaching some additional documents. Okay.
20 And you'll see I responded to that e-mail on
21 February 21 indicating that we still did not have
22 any rejection letters from the 2015 cycle.

23 Do you see that at the bottom of Page 1?

24 A. Yes.

25 Q. Okay. So between January 29th, when I sent

1 D. TRAHANAS - VOLUME II

2 the letter and you did searches, and February 21,
3 did you find any documents responsive to our
4 requests regarding medical school applications?

5 A. The documents that I found, I gave to John,
6 who gave to you.

7 Q. Yeah, but my question is when.

8 So you said that after getting the
9 January 29th letter you did a search. And by
10 February 21 I still didn't have any -- any of those
11 records. So I'm trying to figure out when you did
12 the search.

13 MR. DeROSE: Well, Counsel, you may have or
14 may not have. I don't have to -- and she
15 doesn't have to accept your representation.

16 But go ahead.

17 A. I don't know.

18 BY MS. WERMUTH:

19 Q. You don't know when you first did the
20 search for the medical school materials?

21 A. I don't recall.

22 Q. Okay. And you haven't seen any
23 correspondence from your lawyer contesting our
24 assertion in Exhibit 103 about the medical school
25 applications; am I correct about that?

1 D. TRAHANAS - VOLUME II

2 A. I haven't seen every correspondence between
3 you and opposing counsel.

4 MS. WERMUTH: Can you pass this to your
5 lawyer, please.

6 (Trahanas Exhibit 104 marked for
7 identification.)

8 MS. WERMUTH: Can we mark that? Thank you.

9 BY MS. WERMUTH:

10 Q. Okay. Deposition Exhibit 104,
11 Ms. Trahanas, is an e-mail that I sent to your
12 lawyer on April 4th of 2018.

13 A. Okay.

14 Q. And I indicate in this letter that we
15 expect to receive the remaining 2018 medical school
16 acceptance and/or rejection letters.

17 Do you see that?

18 A. Yes.

19 Q. And also, that if you look at the last
20 paragraph, we still not -- have not received any of
21 Ms. Trahanas' acceptance and/or rejection letters
22 from the 29 -- 2009 or 2015 application cycles.

23 Do you see that?

24 A. Yes.

25 Q. Okay. By the way, to this day we haven't

1 D. TRAHANAS - VOLUME II

2 received any letters at all from the 2019 -- or
3 materials at all for the 2019 cycle.

4 Have you --

5 MR. DeROSE: 2019 or 2009?

6 MS. WERMUTH: I'm sorry, 2009. 2009.

7 BY MS. WERMUTH:

8 Q. Have you searched for 2009 materials?

9 A. Yes.

10 Q. Did you print your 2009 AMCAS application?

11 A. No.

12 Q. So this is dated April 4th, and we were
13 looking at Deposition Exhibit 100. You might
14 remember Deposition Exhibit 100 at Page 102. It's
15 not in order for some reason, so 102 is near the
16 end. It's Roseland Franklin.

17 A. Okay. I'm there.

18 Q. Okay. And I was asking you if you searched
19 on April 5th for e-mails related to your medical
20 school applications.

21 Do you remember that?

22 A. I do remember you asking, yes.

23 Q. Okay. And you can see that my e-mail of
24 April -- that I sent an e-mail to your lawyer on
25 April 4th of 2018.

1 D. TRAHANAS - VOLUME II

2 Do you see that?

3 A. Yes.

4 Q. Does this refresh your recollection as to
5 whether or not you did a search on April 5th for
6 certain e-mails then?

7 A. I don't recall.

8 MS. WERMUTH: John, I'm probably about 30
9 minutes out, by the way.

10 MR. DeROSE: All right. Can we take one
11 minute?

12 MS. WERMUTH: Sure.

13 MR. DeROSE: Just tell Donna that we should
14 be done --

15 MS. WERMUTH: Let's go off the record.
16 Let's go off the record.

17 MR. DeROSE: Yeah, don't -- yeah, it's off
18 the record.

19 VIDEOGRAPHER: Going off the record at
20 3:39 P.M.

21 (Trahanas Exhibit 105 marked for
22 identification.)

23 VIDEOGRAPHER: We are back on the record at
24 3:40 P.M.

25 ///

1 D. TRAHANAS - VOLUME II

2 BY MS. WERMUTH:

3 Q. All right. So, Ms. Trahanas, you'll see in
4 Deposition Exhibit 105 that as a followup to my
5 April 4th e-mail I sent another e-mail to your
6 lawyer on June 5th of 2018.

7 Do you see that?

8 A. I do.

9 Q. And in my e-mail I indicate that we had
10 still not received any acceptance or rejection
11 letters from the 2015 application cycle.

12 Do you see that?

13 A. I --

14 MR. DeROSE: It's an e-mail from Miss
15 Harris, but go ahead.

16 MS. WERMUTH: Oh, fair enough.

17 BY MS. WERMUTH:

18 Q. From Miss Harris, with a copy to me, to
19 your lawyer.

20 Do you see that?

21 A. I do.

22 Q. Okay. And in the body of the e-mail
23 Miss Harris indicates that we had still not received
24 any acceptance or rejection letters from the 2015
25 application cycle.

1 D. TRAHANAS - VOLUME II

2 Do you see that?

3 A. I see that written here, yes.

4 Q. Did you do any searches after this e-mail
5 came through?

6 A. Yes.

7 Q. Okay. Do you recall when?

8 A. No.

9 Q. What searches did you do?

10 A. I -- I don't recall what exact searches I
11 did.

12 Q. Was that the first time you did a search
13 for anything from the 2015 application cycle?

14 A. No. I -- no.

15 Q. Okay. Now, in -- in connection with --
16 with that request, we got one e-mail back from you
17 from the 2015 cycle.

18 MS. WERMUTH: Can you mark that, please.

19 (Trahanas Exhibit 106 marked for
20 identification.)

21 MS. WERMUTH: Do you mind passing that to
22 your counsel? Thank you.

23 BY MS. WERMUTH:

24 Q. Okay. You've been handed what's been
25 marked as Deposition Exhibit 6 -- I'm sorry, 106.

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2 And this is an e-mail from the University of Miami
3 Miller School of Medicine.

4 Do you see that?

5 A. Yes.

6 Q. And it says two messages, but I only see
7 one. Was there another message that you didn't
8 print and produce?

9 A. No. As I look at the document, though, the
10 time and the date are identical, so they may have
11 sent the same e-mail.

12 Q. Well, so it says two messages, but I only
13 see, like, literally one message. I see another
14 something, but then it looks like the text was
15 deleted or hidden.

16 Do you see it says "quoted text hidden"?

17 A. I see that at the bottom left, yes.

18 Q. And is there a reason why you hid that
19 text?

20 A. I did not hide that.

21 Q. Is there a reason why the text is hidden?

22 A. I have no idea.

23 Q. And you've retained this -- this actual
24 electronic e-mail since; right?

25 A. Yes.

1 D. TRAHANAS - VOLUME II

2 Q. Okay. Now, we received this in June of
3 2018?

4 MR. DeROSE: How do you know that? It's
5 not on here.

6 MS. WERMUTH: Well, I'll tell you. First
7 of all, what I can do is pull the e-mails where
8 you sent it to me, John, if you -- if you want
9 me to do that, but --

10 MR. DeROSE: No. Go ahead. I don't want
11 you to do that.

12 MS. WERMUTH: But let me do this.

13 (Trahanas Exhibit 107 marked for
14 identification.)

15 MS. WERMUTH: Ms. Trahanas, if you can give
16 that to counsel, I appreciate it. Thank you.

17 Actually, here it is. I'm sorry. I
18 probably marked the wrong thing. Let me mark
19 this one.

20 MR. DeROSE: This should not be 107?

21 MS. WERMUTH: No, it can -- it can be in
22 there. That's fine.

23 We'll mark this 108.

24 (Trahanas Exhibit 108 marked for
25 identification.)

1 D. TRAHANAS - VOLUME II

2 BY MS. WERMUTH:

3 Q. Okay. So Exhibit 108 is an e-mail on the
4 bottom from your lawyer to me and Danielle, and he
5 says, "Attached please find additional discovery
6 documents being tendered in Trahanas versus
7 Northwestern University and Dr. Schwulst bearing
8 Bates stamp Nos. Trahanas Additional Discovery Doc
9 158 through 213."

10 Do you see that?

11 A. I do.

12 Q. Okay. And actually, then, when you turn to
13 the next page, there's two PDFs attached. And one
14 is documents 153 through 177, and then 15 -- 178
15 through 213.

16 Do you see that?

17 A. I do.

18 Q. Okay. And you'll agree with me that
19 Exhibit 106 is marked Doc 153.

20 Do you see that?

21 A. Yes.

22 Q. Okay. So -- so just to clarify, this --
23 that e-mail, doc -- I'm sorry.

24 Deposition Exhibit 106 was produced to us
25 on June 29th, 2018.

1 D. TRAHANAS - VOLUME II

2 Do you see that?

3 A. Yes.

4 Q. Okay. Now, can you tell me why it is that
5 you didn't produce Exhibit 106 prior to -- to
6 June 29th of 2018?

7 A. That's when John sent it.

8 Q. When did you first collect it?

9 A. I don't know.

10 Q. And if you were to access your gmail
11 account, you could determine when you did that
12 search; correct?

13 A. Not that I know of.

14 Q. And that e-mail remains in your gmail
15 account to this day, correct, Exhibit 106?

16 A. Oh, yes.

17 Q. You have not deleted it; correct?

18 A. Correct.

19 Q. But you can't explain why it was not
20 produced until June 29th of 2018?

21 A. I already answered that question.

22 Q. You can answer it again.

23 A. That's when John sent the e-mail.

24 Q. But you don't know -- you can't tell me
25 when you gave it to him?

D. TRAHANAS - VOLUME II

A. Correct.

Q. So it might have been on or around
June 29th of 2018?

MR. DeROSE: Objection when it might have
been.

But go ahead, if you know.

A. I don't know.

MS. WERMUTH: Can we take a quick break?

VIDEOGRAPHER: Going off the record at
3:47 P.M.

(Recess taken from 3:47 P.M. to
3:56 P.M.)

VIDEOGRAPHER: And we are back on the
record at 3:56 P.M.

BY MS. WERMUTH:

Q. Ms. Trahanas, I just have a couple more
questions for you.

You have some yellow papers in front of you
today?

A. Yes.

Q. You've been taking notes during the
deposition today?

A. Yes.

Q. Okay. I'll ask that I have -- have a copy

1 D. TRAHANAS - VOLUME II

2 of the notes made before we adjourn today.

3 MS. WERMUTH: Okay. And that's all I have.

4 MR. DeROSE: All right. I have just a few,
5 and I'll try to keep it as limited as I can.

6 EXAMINATION

7 BY MR. DeROSE:

8 Q. Could you pull Exhibit 89 there, 89?

9 A. Yes.

10 Q. That's a pretty voluminous package, right,
11 you got there? It's one of the big other ones we've
12 seen today?

13 A. Yes.

14 Q. And I just picked that up.

15 I want you to go down about five pages in.
16 It will have Exhibit A to the original --

17 A. Okay.

18 Q. Five pages down from the top, or four
19 pages, they have an Exhibit A to the subpoena --
20 ma'am, it looks like this. All right. Thank you.

21 And you see at the top the Exhibit A that
22 went to the medical school in this one, it was
23 Florida International University Herbert Wertheim,
24 W-e-r-t-h-e-i-m, College of Medicine, asking for all
25 documents and electronically stored information that

1 D. TRAHANAS - VOLUME II

2 the university medical school had in relation to
3 your application.

4 Do you see that?

5 A. Yes.

6 Q. All right. Now I want you to just piece
7 through this very voluminous document. Do you see
8 any letters in there from -- go fast, because
9 it's -- I suggest you are not going to find them --
10 any letters in there from Dr. Schwulst?

11 A. I -- I did not find any.

12 Q. All right. And you didn't see any letters
13 of recommendation from Dr. Harris Perlman either?

14 A. I did not, correct.

15 Q. And you didn't see any letter of
16 recommendation from other doctor, Dr. Goldstein,
17 that you had with your application?

18 A. I did not.

19 Q. As a matter of fact, none of the letters
20 that -- or none of the material that you submitted
21 with the application is there; is that correct?

22 MS. WERMUTH: Object to the extent you've
23 mischaracterized the evidence.

24 BY MR. DeROSE:

25 Q. Is that correct?

1 D. TRAHANAS - VOLUME II

2 A. None of the letters in association with
3 this application are in this packet, correct.

4 Q. All right. And now I want you to look at
5 Exhibit 97, and I'm going to direct your attention.
6 And this is a response to a subpoena from -- I
7 forget which university it is. This is Western
8 Michigan University Homer Stryker, S-t-r-y-k-e-r,
9 School of Medicine. And in there, if you look at
10 page on the bottom that has Bates stamp
11 Trahanas-NU11765.

12 A. I'm on that page.

13 Q. All right. And that's that letter of
14 February 9th, 2015, from Dr. Schwulst withdrawing
15 his -- formally withdrawing his prior letter of
16 reference for you; correct?

17 A. Correct.

18 Q. And this is the letter that you were asking
19 for back in February of 2015 because you knew that
20 Dr. Schwulst had written something to the medical
21 schools?

22 A. Yes.

23 Q. So since this is in response to the
24 subpoena that defense counsel has written, there's
25 no question that this letter got to doctor -- excuse

1 D. TRAHANAS - VOLUME II

2 me, got to the medical school in this particular
3 case; correct?

4 MS. WERMUTH: Object to the form of the
5 question. I also, in terms of foundation,
6 especially since this witness has already
7 testified that she can't attest to the records
8 produced by this particular -- by the schools,
9 I also object insofar as it's argumentative.

10 BY MR. DeROSE:

11 Q. As far as you understood it, you did not
12 see the packet of materials that Western Michigan
13 sent in response to this subpoena until you saw what
14 counsel sent back to us; correct?

15 A. Correct.

16 Q. All right. So, and this letter from
17 Dr. Schwulst is in the response to their subpoena;
18 correct?

19 A. Correct.

20 Q. And also, his next letter dated -- give me
21 one second, I think it's a prior page -- his letter
22 dated February 24th, 2015, where he says, "Please
23 disregard the letter dated February 9th, 2015, as it
24 was entered in error, and I stand by the evaluation
25 offered in the original letter."

1 D. TRAHANAS - VOLUME II

2 Seeing this letter now, you're satisfied
3 that this letter also got to the medical school that
4 counsel has been able to get in response to the
5 subpoenas?

6 A. Yes.

7 MS. WERMUTH: Same -- hang on. Same
8 objections. It's argumentative. And it lacks
9 foundation.

10 BY MR. DeROSE:

11 Q. All right. Now, I want you to look at
12 Exhibit No. 98. And this is a packet of materials
13 that counsel was able to get from -- let me see what
14 medical school. Well, whatever school it is, I
15 can't find it right now. It's not important.

16 But Exhibit 98 is also a packet of
17 materials that you were provided and I was provided
18 in answer to the subpoenas that counsel served on
19 this medical school; correct?

20 A. Yes.

21 Q. All right. And now I want you to look at
22 the document marked Trahanas-NU11686 in that packet.
23 And again, do you see the letter from Dr. Schwulst
24 on February 9th, 2015, saying "I am writing to
25 formally withdraw my prior letter of reference for

1 D. TRAHANAS - VOLUME II

2 Ms. Diane Trahanas"?

3 A. I do.

4 Q. And can you tell us how many days after you
5 went on FMLA this letter would be written, if it was
6 sent on the day it indicates?

7 A. It was submitted on February 19th of 2015.

8 Q. All right. So, yeah, that's right, I think
9 the doctor testified that he dated this letter
10 before you went on FMLA.

11 But what is the date you went --

12 MS. WERMUTH: Hang --

13 BY MR. DeROSE:

14 Q. -- on FMLA?

15 MS. WERMUTH: Wait. Let me object to the
16 form of the question, insofar as you have
17 mischaracterized Dr. Schwulst's testimony in
18 connection with the narrative portion of your
19 question, which is also objectionable as a
20 narrative.

21 MR. DeROSE: Excuse me.

22 BY MR. DeROSE:

23 Q. Were you at Dr. Schwulst's dep?

24 A. Yes.

25 Q. And he indicated in his dep that this

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February 9th date should have been February 19th,
didn't he?

A. Yes.

Q. And what was the day you went on FMLA?

MS. WERMUTH: Objection. Asked and
answered.

MR. DeROSE: I didn't get the answer now,
but let -- let me please ask it again.

MS. WERMUTH: Well, it's been answered in a
different deposition, but . . .

MR. DeROSE: Oh, I'm talking about today.

BY MR. DeROSE:

Q. What was the date you went on FMLA?

A. February 17th --

Q. And --

A. -- 2015.

Q. All right. And if this should be
February 19th, this would be two days after you took
your FMLA?

A. That's --

MS. WERMUTH: Objection. Argumentative.

A. -- correct.

BY MR. DeROSE:

Q. And you were asking -- by the way, did you

1 D. TRAHANAS - VOLUME II

2 get notice that Dr. Trahanas [sic] had sent
3 something to the medical schools just on that very
4 date, February 19th?

5 MS. WERMUTH: Object to the form of the
6 question. You misstated record evidence.

7 A. I received an indication that Dr. Schwulst
8 had submitted a letter to AMCAS.

9 BY MR. DeROSE:

10 Q. All right. And as far as you knew, AMCAS
11 was just the clearinghouse for sending all the
12 information regarding your applications to all those
13 different medical schools we've talked about today?

14 A. AMCAS is the distributing company for our
15 medical school applications.

16 Q. And counsel has asked you several questions
17 today about letters you were receiving from medical
18 schools in December 2014 and January 2015. Can you
19 tell us what was going on in your life -- and they
20 were inviting you to make further submissions for
21 your application; is that correct?

22 MS. WERMUTH: Objection. Vague.

23 A. At that time, yes.

24 BY MR. DeROSE:

25 Q. What do they call them, supplemental

1 D. TRAHANAS - VOLUME II

2 submission or --

3 A. Supplemental applications.

4 Q. All right. What was going on in your life
5 in December 2014 and January 2015?

6 A. I was seeing my psychiatrist, who
7 recommended to me to take time off work because of
8 the excessive hours and hostile work environment.
9 So I was seeing my psychiatrist at least once a week
10 for about eight weeks.

11 I had a car accident, and so did my mom,
12 and I was working a lot of hours trying to finish up
13 our project so that we could submit it in February.

14 Q. Submit it for publication?

15 A. For review for publication, correct.

16 Q. And you know that that particular project
17 ultimately was approved for publication?

18 A. That particular project I'm unsure of what
19 ended up happening, but we had been published prior
20 to that.

21 Q. And by "we," you mean you and Dr. Schwulst?

22 A. Correct, with a couple other people.

23 Q. What is the longest time you spent working
24 on one of these projects alone in the laboratory?

25 MS. WERMUTH: You know what, this goes way

1 D. TRAHANAS - VOLUME II

2 beyond the scope of this particular deposition.
3 You asked her those questions in her first
4 deposition.

5 MR. DeROSE: All right, Counsel. But the
6 record says what it says.

7 I have no more questions.

8 MS. WERMUTH: No further questions.

9 VIDEOGRAPHER: This concludes the
10 deposition of Diane Trahanas. We are off the
11 record at 4:09 P.M.

12 (Whereupon a discussion was had off the
13 record.)

14 MS. WERMUTH: Back on the record.

15 Okay. So we're back on the record just for
16 a moment to indicate that Deposition Exhibit 79
17 has some additional -- is another exhibit that
18 has some handwritten notations that were made
19 by the witness, Diane Trahanas, today. It
20 includes five asterisks or stars and four
21 circles on the left-hand side of the page.

22 (Trahanas Exhibit 109 marked for
23 identification.)

24 MS. WERMUTH: And then, we've also marked
25 as Deposition Exhibit 109 Ms. Trahanas'

1 D. TRAHANAS - VOLUME II
2 handwritten notes from today's deposition.

3 (Time noted: 4:15 P.M.)
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C E R T I F I C A T E

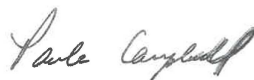
I, Paula Campbell, CSR, RDR, CRR, CRC, do hereby certify that on Tuesday, January 8, 2019 appeared before me, DIANE M. TRAHANAS.

I further certify that the said witness was first duly sworn to testify to the truth in the cause aforesaid.

I further certify that the signature of the witness to the foregoing deposition was waived by agreement of counsel.

I further certify that I am not counsel for nor in any way related to any of the parties to this suit, nor financially interested in the action.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this 18th day of January, 2019.



Paula Campbell, CSR, RDR, CRR, CRC
Certified Shorthand Reporter
Registered Diplomate Reporter
Certified Realtime Reporter
Certified Realtime Captioner
Illinois C.S.R. No. 084-003481

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----- I N D E X -----

WITNESS	EXAMINATION BY	PAGE
DIANE M. TRAHANAS	MS. WERMUTH	421
	MR. DeROSE	642

-----EXHIBITS-----

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Exhibit 77	Trahanas-NU001588 through 1589	428	25
Exhibit 78	Rule 37. Failure to make disclosures or to cooperate in discovery; sanctions	441	5
Exhibit 79	one-page document showing a gmail screenshot	454	22
Exhibit 80	two-page document showing gmail settings	462	13
Exhibit 81	Notice of Plaintiff's Second Deposition	488	3
Exhibit 82	Plaintiff's Response to Defendants' Rule 34 Request to Plaintiff	498	21

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-----EXHIBITS-----

	TRAHANAS	PAGE	LINE
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-----EXHIBITS-----

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Exhibit 92	documents from Florida State University College of Medicine	567	23
Exhibit 93	documents from Virginia Tech Carilion School of Medicine	572	3
Exhibit 94	documents from Wayne State University School of Medicine	576	4
Exhibit 95	documents from Washington University in St. Louis School of Medicine	579	9
Exhibit 96	documents from Frank H. Netter MD School of Medicine	584	17

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-----EXHIBITS-----

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Exhibit 98	documents from Sidney Kimmel Medical College at Thomas Jefferson University	590	5
Exhibit 99	TRAHANAS ADD EX 425 through 440	595	18
Exhibit 100	Trahanas Additional Doc 101 (various numbers)	601	16
Exhibit 101	Defendants' First Request for Production of Documents to Plaintiff	603	14
Exhibit 102	1/29/18 letter from Anna Wermuth to John P. DeRose	629	6
Exhibit 103	2/21/18 e-mail from Anna Wermuth to John P. DeRose	630	10
Exhibit 104	4/4/18 e-mail from Danielle Harris to John P. DeRose	632	6

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-----EXHIBITS-----

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Exhibit 106 Trahanas Additional Discovery Doc 153	636	19
Exhibit 107 6/26/18 letter from Anna Wermuth to John P. DeRose	638	13
Exhibit 108 7/2/18 e-mail from John P. DeRose to Anna Wermuth	638	24
Exhibit 109 three pages of handwritten notes	651	14

-----EXHIBITS PREVIOUSLY MARKED-----

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ERRATA SHEET

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Deposition Date:

Deponent:

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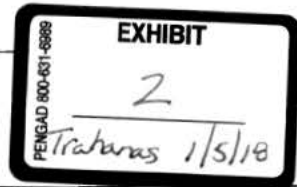
EXHIBIT B

DEP. EX. 2

NORTHWESTERN
UNIVERSITY

Personal Data Form

Please print or type



1) NAME Last <u>Trahanas</u> First <u>Diane</u> Middle <u>M</u>			2) UNIVERSITY ID NO. (Can be found on Wildcard)
3) INDICATE TYPE OF TRANSACTION <input checked="" type="checkbox"/> New Employee (Complete items 1 through 20 below, skip 4) <input type="checkbox"/> Rehire (Complete items 1,2,3,19,&20 below) <input type="checkbox"/> Name Change (Complete items 1, 2, 3, 4,19, and 20 below) <input type="checkbox"/> Address Change (Complete items 1,2,3,12,13,14,15,19&20 below) (Address Changes should be made at https://nuhr.northwestern.edu)			
4) Name Change To: (must attach copy of Social Security Card showing name change)			

EMPLOYMENT INFORMATION

5) What is the date you began working for Northwestern University?	Month <u>June</u>	Day <u>11</u>	Year <u>2012</u>
6) If a temporary employee, where should we send your check/payroll advice (if printed): <input type="checkbox"/> Home Address <input type="checkbox"/> Permanent address <input type="checkbox"/> Department			

PERSONAL INFORMATION

7) Birth Date <u>7/17/85</u>	8) Sex: <input checked="" type="checkbox"/> Female <input type="checkbox"/> Male	9) Marital Status: <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married
10) Country of Citizenship: <u>USA</u>		Visa: <input type="checkbox"/> F1, <input type="checkbox"/> J1, <input type="checkbox"/> H1, <input type="checkbox"/> Other or US Permanent Resident (not US citizen) <input type="checkbox"/>
11) Social Security Number (only provide if new hire): [REDACTED]		
All new hires must complete Form I-9 online at northwestern.i9servicecenter.com at least by the end of their first day and provide required documentation to be employed and paid through the payroll and should not provide services until this is done. Please do not complete multiple I-9s unless you have left and been rehired. If you are not a U.S. Citizen or permanent resident, please contact the Payroll Division to complete information in Foreign National Information System (FNIS).		

ADDRESS INFORMATION

(This will update all benefit carriers for faculty and staff)

12) Current Home Address/ Local Residence Is this Residence part of University Housing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		13) Permanent Mailing Address (if different from current/local address)	
No. & Street <u>10602 S. Vicky Lane</u>	Apartment	No. & Street	Apartment
City <u>Palos Hills</u>	State <u>IL</u>	City	State
Zip Code <u>60465</u>	Country <u>USA</u>	Zip Code	Country

TELEPHONE NUMBERS

14) Local Home Phone: (<u>708</u>) <u>369</u> - <u>5736</u>	15) Cellular Phone: (<u>708</u>) <u>369</u> - <u>5736</u>
16) University Work Phone: () -	17) Off Campus Work Phone: () -

DEMOGRAPHIC DATA (Please see reverse for explanation and disability category codes)

18) Are you Hispanic or Latino? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		What is your race? Select one or more. <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Pacific Islander <input checked="" type="checkbox"/> White	
Disabled veteran? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Armed Forces Service Medal Veteran? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Do you have a disability? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Other Protected Veteran? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Recently Separated Veteran? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Identify disability category: _____	
19) As a condition of employment, I understand that Northwestern University requires employees to sign up for direct deposit. If I do not sign up for direct deposit before my first pay date after being hired, I understand that Northwestern University will deposit wage payments to a Paychex Plus pay card which will be provided to me free of charge.			20) Date: <u>6/11/12</u>
Employee's Signature: <u>[Signature]</u>			

Do you want to contribute to the Northwestern University Voluntary Savings Plan (VSP)?

If yes, please provide your email address:

VSP is a 403b retirement pretax savings plan. Benefit eligible faculty and staff will automatically be contacted regarding retirement savings plan participation.

To be completed by Department - For Temporary Employees Only			
Hire/Rehire Date _____	Job Code _____	Supervisor's Name _____	Supervisor's Employee ID# _____
Hourly Rate _____	HR Dept# _____	Supervisor's Signature _____	Supervisor's Phone _____
Fund _____	Fin Dept _____	Project _____	Activity _____
Program _____		Acct _____	
(Fund, Financial Department, and Account are required while you may not have a project, activity, or program especially if not on a grant.)			

When hiring/rehiring temporary employees, fax the Personal Data form to Payroll at 847-491-3733 (Evanston) or 312-503-9702 (Chicago).
 All original forms (Personal Data, W-4, Direct Deposit) should then be mailed to the Payroll Office, 720 University Place, Evanston Campus.

Revised 12/2019

Trahanas-NU000066

EXHIBIT B

DEP. EX. 4



NORTHWESTERN
UNIVERSITY

Dear Northwestern Staff Member:


The Staff Handbook contains information that all members of the University staff will find useful. It includes descriptions of policies about work, paid time off, and leaves of absences. It also contains policies that every employee must know regarding conflict of interest, drugs and alcohol, and sexual harassment. Please be sure to call anyone in the Department of Human Resources if you have questions about these policies. We are happy to help.

The Standards for Business Conduct booklet contains an overview of the major policies that guide business conduct at Northwestern as well as a reference for additional resources.

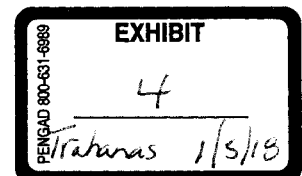
I have received the Northwestern University Staff Handbook and the Standards for Business Conduct booklet.

Name Diane M. Trahanas

(Please Print)

Signature 

Date 6/11/12

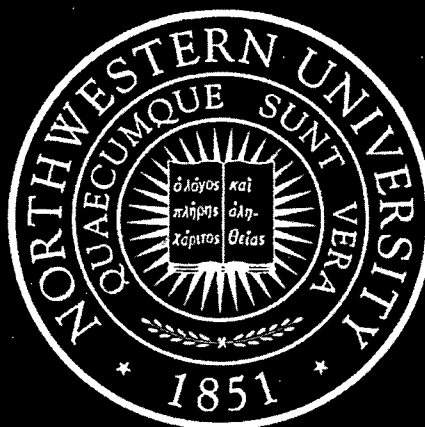


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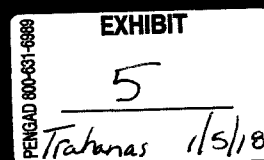
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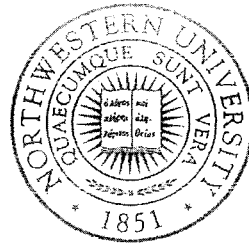
Northwestern University



Staff Handbook



Trahanas-NU001324



NORTHWESTERN UNIVERSITY

Staff Handbook

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Trahanas-NU001325

Staff Handbook

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Introduction

5

About this handbook

This handbook provides descriptions of policies relating to work at Northwestern University. It presents material in these general areas:

- Employment
- Training
- Work and hours
- Absence, including both paid time benefits and unpaid absences
- Payroll
- Job performance and conduct
- Services, including the Faculty and Staff Assistance Program

New members of the University staff will find this handbook a useful introduction to the way the University works, and long-standing staff members will find it a handy reference for answering many questions about University employment. The handbook also includes guidelines for job performance and behavior. A companion handbook contains summary plan descriptions of the University's employee benefit plans.

In summarizing the terms and conditions of staff employment at Northwestern, this handbook does not provide a detailed description of all employment policies and practices; each University department adopts policies particular to its functions. From time to time policies and programs of the University may change. To be sure of having current information, each staff member should confer with his or her supervisor, consult with their department head's copy of the manual *Human Resources Policies and Procedures*, or call the Department of Human Resources. Human Resources offices are located on the Evanston campus at 720 University Place and on the Chicago campus at Abbott Hall, room 150, 710 North Lake Shore Drive. The manual *Human Resources Policies and Procedures* can also be accessed through NUNet at <http://www.northwestern.edu/hr/policies/>.

This staff handbook contains the policy information ordinarily needed by staff employees of the University; but more extensive information on some matters may be found in the *Faculty Handbook*, the policy on patents, the policy on research safety, and other publications.

For jobs covered by a labor agreement, some of the policies and programs described in this handbook may be modified by the agreement or may not apply. Employees holding such jobs should obtain a copy of the labor agreement from their union steward to determine those differences.

This handbook is not an employment contract nor an assurance of continued employment. Northwestern University may change without notice any statement in this handbook concerning rules, policies, tuition, fees, curricula, courses, procedures, benefits, or other matters. Accordingly, staff employees should check the most current information if there is any doubt about the application of a policy. The current edition of this handbook is found on line at <http://www.northwestern.edu/hr/handbook.pdf>.

Mission of the University

Northwestern University is committed to excellent teaching, innovative research, and the personal and intellectual growth of its students in a diverse academic community.

History and structure of the University

Northwestern University was established under a charter approved by the Illinois state legislature on January 28, 1851. Northwestern is a private, nonsectarian university with campuses fronting on Lake Michigan in Evanston and in Chicago.

On the 240-acre Evanston campus are:

- the Judd A. and Marjorie Weinberg College of Arts and Sciences
- the Robert R. McCormick School of Engineering and Applied Sciences
- the Medill School of Journalism
- the School of Education and Social Policy
- the School of Music
- the School of Communication
- the Graduate School
- the J. L. Kellogg School of Management

These schools enroll more than 11,700 students during the academic year.

The 20-acre Chicago campus includes

- the School of Law
- the Feinberg School of Medicine
- the Managers' Program, the evening program of the Kellogg School of Management
- the School of Continuing Studies, Northwestern's continuing education division

Approximately 2,000 full-time and 2,000 part-time students are enrolled annually in the schools on the Chicago campus.

Northwestern University operates under the supervision of a Board of Trustees, whose members serve without pay. An organization chart of the University's administration appears in the University phone directory.

The University is privately endowed and self-supporting: its operating revenues for the year 2003 were \$1.1 billion. Roughly 25 percent of the University's income comes from endowment and gifts, 40 percent from student tuition and fees, 25 percent from government contracts and grants, and 10 percent from other sources.

The regular faculty of the University numbers about 2,400. The faculty of each college or school consists of the dean of the school and the school's officers of instruction: professor, associate professor, assistant professor, associate in the Medical School), instructor, and lecturer. Deans of schools report to the provost; directors of university-wide centers and various administrative departments report to a vice president.

Introduction

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The staff

The staff supports the faculty, students, and University in their educational and research missions.

The regular staff numbers about 4,500 employees, and over 1,000 temporary staff are added to the University employment during the academic year. Occupational categories include jobs in service, maintenance, clerical, technical, professional, and administrative areas. These job categories are common to both the academic and administrative units of the University. Each category includes numerous job classifications and titles. Staff classifications are divided into two general categories, exempt staff and nonexempt staff.

The exempt staff consists of employees whose responsibilities are primarily executive, managerial, or administrative, or whose positions require an advanced educational degree or knowledge and experience in a field considered professional. These positions are paid monthly and are exempt from the overtime requirements of the Fair Labor Standards Act (FLSA) that mandate overtime pay for time worked in excess of 40 hours per week.

The nonexempt staff consists of employees holding positions in support activities. Employees in these jobs are not exempt from the FLSA overtime provisions and they are paid by the hour and are paid 1½ times their regular pay rate for hours worked in excess of 40 in a week.

The Department of Human Resources

Role. The Department of Human Resources provides services to the University in recruiting and training, in the administration of compensation and benefits, and in payroll. The department assists other departments in meeting their staffing goals, managing job performance, and interpreting policy. The department also supports employees and their supervisors in reaching understanding and reconciling differences to promote effective working relationships.

Questions on policies and procedures. Employees and supervisors are encouraged to call on a member of the Department of Human Resources staff at any time for help in any area of policy or procedure. Any question can be addressed to any member of the department, who will answer it or direct it to the appropriate authority in the department.

Working relationships. Occasionally, a member of the University staff and his or her supervisor may have difficulty working with each other or maintaining an effective working relationship. Support for employee relations is available to assure treatment consistent with the policies in this handbook, and employees should seek help to mediate difficult discussions. Those in supervisory positions also frequently call on the Human Resources department to act as a neutral third party in order to facilitate communication and restore productive working relationships.

Employment procedures

The Department of Human Resources and the supervisor seeking to fill a job vacancy work jointly on recruiting and hiring staff and in using the services of the human resources offices in finding, screening, and selecting candidates.

Northwestern University is committed to

- affirmative action as an integral part of the process of recruitment, selection, placement, transfer, and promotion
- promotion from within whenever possible
- full and timely consideration of all candidates

Posting. The Open Positions List announces job openings to the University community and beyond to make openings available as widely as possible and to identify as many suitable candidates as feasible. Candidates may be hired only after the position has been posted on the Open Positions List for at least a week, or at least two weeks for positions above exempt grade 9. Offers of employment may be made only after the required posting period. The List is available at <http://www.northwestern.edu/hr/recruiting/>.

Transfer or promotion from within. Northwestern University assists employees in attaining personal career goals by giving qualified, interested employees an opportunity for transfer or promotion. Employees should watch the Open Positions List for job opportunities and apply at the human resources offices in Evanston or Chicago for jobs of interest. Further information follows on page 11.

Employee referrals. Employees are encouraged to refer qualified people to Northwestern University for employment.

Applications and résumés. An interested applicant applies by sending his or her resume to resumes@northwestern.edu, indicating the open job for which he or she is applying as listed at the website <http://www.northwestern.edu/hr/jobs>. An applicant may also fax the resume to 847-491-5136 for Evanston campus positions or 312-503-1741 for Chicago campus positions. A staffing specialist or human resources consultant forwards appropriate applications to the hiring manager, who reviews applications and selects applicants to be interviewed. The employment counselor or consultant interviews applicants as arranged with supervisors.

Good faith search. An effort is made in good faith to include among the applicants members of groups underrepresented in the University's workforce. Searches are conducted in compliance with the equal employment opportunity laws of the United States and the affirmative action plan of the University.

Employment

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Nondiscrimination

Northwestern University does not discriminate against any individual or permit discrimination by any member of its community against any individual on the basis of race, color, religion, national origin, sex, sexual orientation, parental status, marital status, age, disability, citizenship, veteran or status in matters of admissions, employment, housing, or services or in the educational programs or activities it operates.

Harassment, whether verbal, physical, or visual, that is based on any of these characteristics is a form of discrimination. This includes harassing conduct that affecting tangible job benefits, interfering unreasonably with an individual's academic or work performance, or creating what a reasonable person would sense is an intimidating, hostile, or offensive environment.

While Northwestern University is committed to the principles of free inquiry and free expression, discrimination and harassment identified in this policy are neither legally protected expression nor the proper exercise of academic freedom.

Complaint. A complaint of discrimination on any basis in this policy can be filed with the director of equal opportunity, affirmative action, and labor relations. A complaint about the actions of the director will be investigated by an impartial University official. Academic exempt employees direct complaints to the department chair. Complaints involving deans are investigated by the office of the Provost. Time spent during scheduled working hours in the formal procedure is treated as time worked. Complaints of sexual harassment follow the procedures on page 51.

Appeal. An employee not satisfied with the resolution of a complaint may appeal to the associate vice president for human resources and, if still dissatisfied after that review, to the senior vice president for business and finance, whose finding is the final response for the University.

Affirmative action

Northwestern University actively seeks women, minorities, veterans, and disabled persons for employment and promotion to maintain a University community based on equal opportunity.

Accommodation of disabilities

Northwestern University reasonably accommodates employees with disabilities. To be eligible for an accommodation, employees must declare their disabilities. A "reasonable accommodation" may include the purchase of special equipment, changing the physical layout of the workplace, restructuring job duties, modifying the work schedule, etc.

Once the Department of Human Resources is provided with written documentation by a physician identifying the disability and specifying recommended accommodations based on the job duties, the employee has fulfilled his or her responsibility.

The Office of Equal Employment Opportunity, Affirmative Action and Labor Relations (EEO/AA/LR) is responsible for the management, implementation and coordination of the Employees with Disabilities Accommodation policy. This office must approve all accommodations and employment decisions in which an employee or applicant has declared a disability.

The Employees with Disabilities Accommodation Policy can be accessed on line at <http://www.northwestern.edu/hr/eecolemplaccopol.html>.

Evaluative authority over relatives

No faculty or staff member may have evaluative authority in such matters as employment, compensation, promotion, or termination over another employee who is the faculty or staff member's spouse, domestic partner, relative, or an individual with whom the faculty or staff member is having or has recently had a sexual relationship.

No faculty or staff member may have evaluative or supervisory authority (including the assignment of grades, the supervision of dissertations, or decisions relating to employment or financial support) over a student who is a relative or with whom the faculty or staff member is having or has recently had a romantic or sexual relationship.

For purposes of this policy, a relative is a blood relation, in-law, step or adoptive relative, as close as or closer than nephew or niece.

When a situation occurs that potentially violates this policy, the faculty or staff member with evaluative authority must report the relationship to his or her supervisor or department chair, dean, the Department of Human Resources, or the University Provost. If the person to whom the relationship is reported determines that such action is necessary, it is the responsibility of both the faculty or staff member with the evaluative authority and the individual to whom the relationship is reported to ensure that the evaluative authority is reassigned. If this is not feasible in a particular instance, the faculty or staff member and the individual to whom the relationship is reported must bring the matter to the attention of the Provost or the Associate Vice President of Human Resources.

Employment

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Transfer and promotion

Northwestern University recognizes the value of its staff as an important asset in the community, and it encourages them to develop and consider other University job opportunities as part of their personal and career advancement.

Service requirement. To be eligible for a transfer or promotion, a staff member must be in his or her current position for at least one year. No specified service period is required for a transfer or promotion within a department, but a department may reasonably limit such transfers or promotions.

Performance requirement. A staff member must receive an overall evaluation of satisfactory or effective on the most recent performance review and have no current disciplinary action.

Qualifications. To be considered for transfer to another position, a staff member must meet the minimum qualifications of the position.

Application. To ensure consideration for a position, the staff member submits an application for transfer or promotion along with a resume to the human resources department. The staff member may work with a human resources consultant, staffing specialist, or other human resources representative on jobs of interest. The application is found on line at <http://www.northwestern.edu/hr/jobs/transfer.html>.

Hiring manager. The hiring manager reviews applications and determines whom to interview for the position. The hiring manager may contact the staff member directly to set up an interview.

References. The hiring manager, a human resources consultant, or a staffing specialist checks at least two references when the staff member becomes a candidate of choice for the position, normally, including the current supervisor.

Supervisor notice. In general, the staff member is notified his or her supervisor during the transfer process. The human resources consultant or staffing specialist may coordinate this notice.

Performance evaluations. Performance evaluations of finalist candidates are confidential but may be made available to the hiring manager.

Decision. Offer decisions are made jointly by the hiring manager and the staffing specialist or human resources consultant, who reviews the offer for equity and adherence to compensation guidelines.

Transfer date. The human resources consultant or staffing specialist coordinates the transfer date with the hiring manager and the employee's current manager. Generally, exempt staff members provide three weeks of working notice and nonexempt staff provide two weeks of working notice, but the needs of the supervisors may call for other arrangements.

Vacation and sick time. When transferring to a new position in the University, the individual retains the vacation and sick time accrued in the former position. For transfers between nonexempt and exempt, see page 25.

Pay practice

Lateral transfer. A staff member who transfers to a position having the same grade or salary range is not eligible for a salary increase and remains at the same salary in the new position.

Promotion. A staff member who transfers to a position having a higher grade or salary range may be eligible for a salary increase. The amount of the increase is based on the compensation guidelines for promotions.

Orientation and review period. The staff member is required to complete a six-month orientation and review period in the new position. The staff member retains the accrued University service after the transfer to the new position.

Orientation and review period

The orientation and review period gives the supervising staff or faculty member an opportunity to provide orientation and training for a new staff member, to review the performance expectations for the position, and to determine whether expectations are met during the initial period on the job. The goal is success on the job for the new staff member.

Length. The orientation and review period is the initial six months of service in the position. Police officers work on a probationary basis for the first 12 months.

Procedures. The staff member can expect to complete an orientation checklist, to receive a job description and work schedule and a schedule of training and feedback meetings. Written performance expectations or objectives can be expected, as well as meetings to review progress and performance during the review period.

Performance evaluation. Performance is typically evaluated at the end of the review period.

Unsatisfactory performance in new position. An employee who is not performing adequately in a position may be recommended by the supervisor for extension of the review period or for dismissal from that position at any time during the review period.

Employment at will

Successful completion of the orientation and review period does not guarantee continued or permanent employment. Either the employee or Northwestern University may end the employment relationship at will, with or without cause or advance notice, at any time during or after the orientation and review period.

Employment

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Termination of employment

Notice. Employees must provide two weeks of working notice to their supervisors to leave the University in good standing.

Exit interview. Terminating employees should schedule an exit interview with the Department of Human Resources at least a week before their last work day.

University property. Before the last day of work, employees must return to their department any University property, materials, and written information issued to them and in their possession. This property may include credit cards, identification badges or cards, keys, manuals, calculators, computers, other office equipment, key cards, and other materials. Northwestern will take all appropriate action to recover its property.

Benefits. The employee is notified in writing by the Benefits Division of the Department of Human Resources about benefits that may be continued.

Vacation. Unused accruals of vacation and personal floating holidays are paid on the payroll following the individual's last pay period and the employing department's notice to the payroll division that the employment has ended.

NetID and email. Email and NetID access are terminated within 21 days of the termination date.

Future references. Former employees who want the University to verify employment can use the automated verification service by following the instructions at <http://www.northwestern.edu/hr/hris/personal/payroll/employverify.html>. Northwestern verifies dates of employment, job title, and salary.

Reinstatement

An employee who leaves University employment in good standing may be reinstated within 30 calendar days to an available regular position for which he or she is qualified without the loss of prior service or benefits status. Paid time benefits are not accrued during the absence and the number of days absent is not included in the calculation of University service.

Rehire

Northwestern University considers reemploying people who have separated from the University when the previous work record, the reason for the separation, and the present qualifications warrant consideration.

Individuals may not be reemployed without the approval of the associate vice president or appropriate administrator in the Department of Human Resources. A record of the approval becomes a part of the personnel file. The rehired individual is considered a new employee with no University service for the purposes of accruing paid time benefits, service recognition, and qualifying for tuition, retirement, and insured benefit plans.

Training Opportunities

Northwestern University offers a wide range of professional development opportunities through which employees can enhance their workplace skills and knowledge. Educational development is supported across the University. Participation in work-related courses or educational programs during work hours is at the discretion of the manager or department head.

The Training and Development Division of the Department of Human Resources offers workshops and coaching throughout the calendar year. Employees may register for a variety of offerings, including leadership and management, business processes, workplace skills, computer applications, and organization development. These workshops are held on both the Evanston and Chicago campuses. The Training and Development Division publishes and distributes quarterly schedules of offerings. In addition, all information can be accessed on-line at <http://www.northwestern.edu/hr/training>.

Recognition programs

Northwestern offers a variety of employee recognition programs, awards, and activities. These include

- Service Excellence Awards
- annual Staff Service Recognition Luncheon
- Length of Service Recognition.
- Employee of the Year Award

The Service Excellence Award program provides recognition for exceptional service performance. Nominations from anyone in the community, including faculty, staff, students, supervisors, vendors and others, are accepted throughout the year to recognize instances of exceptional service rendered by a staff employee.

Employees are honored with length of service recognition after their 5th, 10th, and 15th anniversaries. Employees who have completed 20, 25, 30, 35, and 45 years of service during the preceding year are honored at the annual Staff Service Recognition Luncheon.

The Employee of the Year award recipients and finalists for each campus are honored at the annual Staff Service Recognition Luncheon. A call for nominations and an explanation of the selection criteria are made in University publications and by email.

For further information concerning these offerings, contact the Training and Development Division, at 847-467-5081.

Work and Hours

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The work day

Scheduled work hours vary among departments, with the most common full-time schedules totaling 35, 37½, or 40 hours per week. A 35-hour work week is the minimum considered full time. Most regular work schedules continue throughout the year, but some are partial year (for example, nine- or ten-month) work schedules. Nine-, ten-, and eleven month employees are considered full time during the months when they work the full work week.

The most common office hours of the University work day are 8:30 a.m. to 5:00 p.m., Monday through Friday. However, each department determines the hours of work for its employees as necessary to staff its operations. Departments and supervisors set and adjust individual employee schedules to meet the department's operational needs. They may adopt work schedules to accommodate individual employee needs to the extent that department operations permit.

Varying schedules

A work schedule can be any combination of days and hours totaling no more than 40 hours in a work week. The hours scheduled for work must total to the standard hours budgeted for the position. No combination of hours and days may exceed 14 days without a full day off.

Working a regular daily schedule is not a University requirement, although working a regular daily schedule may be a departmental requirement. Work schedules can vary among employees within the same office or department throughout the year, or they can be changed on a seasonal or other basis.

Examples of flexible scheduling with this policy include a schedule in which an employee works four days of 10 hours each for a total of 40 in the week, or a work schedule of three days of 9½ hours and one day of 9 hours for 37½ hours in the week. Overtime at 1½ times the nonexempt employee's hourly rate is paid for any hour worked over 40 hours in a work week.

School or administrative department business offices may choose to coordinate schedules in the departments of the unit. For staff using the Electronic Time Entry System (ETES) to record hours, the payroll division must be notified of a schedule change prior to the beginning of the pay period when the change is to occur.

Recording hours

Nonexempt staff are required to report accurately all work hours, as well as paid time off, and are required by law to be paid for all time worked. The staff member's accounting of all scheduled hours and worked hours is reported on the Biweekly Employee Time Report or in the Electronic Time Entry System (ETES). Anyone falsifying the reporting of work time or time off is subject to disciplinary action up to and including discharge from University employment.

The individual's NetID and password are used to access ETES. When properly used, the NetID and password are considered authorizing signatures for entries and approvals.

Instructions for reporting time through ETES begin on page 43. Instructions for use of paper time sheets begin on page 37. The department manager or the individual's supervisor can inform the nonexempt staff member about the time reporting method in use in the department.

Exempt staff positions may require employees to work beyond the hours of the work week normally scheduled. Exempt employees are not compensated for this time nor provided compensatory paid time off. Exempt employees are not required to record work hours or scheduled hours.

Lunch periods

Lunch periods are unpaid and range from a minimum of 30 minutes to a maximum of one hour. However, for certain employees who are required to remain on duty or on call through the lunch period, the lunch period is part of the paid work shift. Employees are not allowed to shorten or eliminate scheduled lunch periods to alter the beginning or ending of a workday. In a work period of 7½ hours or more, a meal period of at least 30 minutes must be provided before the end of 5 hours of work.

Rest periods

In work situations where employees are free to move about and visit restrooms from time to time, formal rest periods are unnecessary. Therefore, many departments and offices do not have formal rest breaks. However, full-time employees who are substantially bound to one work site and to continuous tasks without freedom to move should have a specific rest break each half day. Under similar working conditions, part-time employees who work at least four but less than seven hours per day are eligible for one such rest break per day.

Rest periods do not exceed 15 minutes and may not be accumulated or used to shorten the beginning or ending of a workday.

Rest breaks are scheduled at the discretion of the supervisor.

Work and Hours

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Salaries

It is the University's goal to pay staff salaries that are equitable within the University and related to the salaries paid for similar work in the appropriate labor market. Accordingly, most positions are classified and then assigned salary ranges that define the minimum and maximum pay for the position. An employee's salary may advance within the salary range as the result of periodic performance and salary reviews. Such increases in pay are considered merit increases, which may vary in amount according to supervisory evaluation of the employee's performance. In general, salaries are reviewed annually. Salary increases that are granted ordinarily take effect on or near September 1, the beginning of the University's fiscal year. Bargaining unit employees receive increases according to terms of their labor agreements.

Performance review

Employees participate in an annual performance review, in which the employee and supervisor discuss how well work expectations have been met. The supervisor evaluates performance in terms of achievement of standards and objectives related to job responsibilities. The performance rating is considered in determining the amount of the employee's annual salary increase.

Pay periods

The work week of the University starts at the beginning of Sunday and ends at the end of the following Saturday. Nonexempt staff are paid every two weeks on the Friday following the end of each two-week pay period.

Exempt employees are paid monthly, and paychecks are issued on the last working day of the month.

Overtime

For the hours worked beyond 40 in a work week, paying the premium rate of 1½ times the regular hourly rate is required for nonexempt employees. Time paid for University scheduled holidays is considered time worked when computing premium overtime in a week where a University scheduled holiday falls.

Not paying the rate of 1½ times the regular rate for hours worked beyond 40 in a work week is a violation of federal law.

Types of Absence

Definition. A staff employee is considered absent if he or she is not present for work as scheduled, regardless of cause.

Paid absences and unpaid absences. Some absences are paid as benefits. These paid time benefits are described on pages 20 to 29. Some other absences are excused but they are not paid. Unpaid absences are described on pages 30 to 33.

Scheduled absences. An employee is to notify his or her supervisor as early as possible about scheduling absences, whether paid or unpaid. Scheduled absences are arranged at the mutual convenience of the department and the employee. An employee's request for absence may be denied, especially if the absence interferes with department operations, as when the request is not sufficiently in advance of the requested date.

Unscheduled absences. On each day that a staff member takes an absence not scheduled in advance with the supervisor, the employee is to advise the supervisor and give the expected return date.

Lack of notice to the supervisor for an absence of three consecutive days indicates that the individual has abandoned the job and is grounds for termination of employment. Lack of notice during an absence of less than three days is grounds for corrective action that may include termination of employment.

Excessive absence. Unexcused absences are cause for corrective action and may result in termination. Excessive excused absences may also be reason for corrective action. Each department defines excessive absence based on its own operations and informs its employees of its policy.

Documentation of absence. A supervisor may require documentation from an employee for requests for absence prior to the absence or at the time of returning from the absence. Documentation or justification is not required for vacation or personal floating holiday time unless an emergency necessitates short notice.

Absence

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Tardiness

Staff members are expected to be at their place of work, prepared to work, at the times established by supervisors. An employee is tardy if he or she fails to report to the assigned workplace, prepared to work, at the scheduled time. This includes returning from breaks and lunch periods.

Departments define the punctuality standards for their operations and communicate them to employees. Staff members who expect to be late are to notify their supervisors according to the department's procedures.

Excessive tardiness is grounds for corrective action and may lead to termination of employment.

For each full or partial six-minute period that a nonexempt staff member is late, time worked is reduced by one-tenth of an hour and is recorded on the Biweekly Employee Time Report or in the Electronic Time Entry System (ETES) as unexcused absence, with the code UXA.

Supervisors may adjust work schedules to accommodate an individual's scheduling need. However, if a nonexempt staff member is not at work, the individual is not paid for that time, unless he or she has arranged with the supervisor in advance the use of paid benefit time, such as vacation or paid sick time. A nonexempt employee may not be paid for time not at work, as when tardy, and may not work any hours (such as to compensate for tardiness) without being paid for them. The employee is to be paid according to the time actually worked, even if this time does not coincide with the planned work schedule.

Vacation accrual for
nonexempt staff

Nonexempt staff earn vacation according to the following schedule.

Service completed	Qualified service period in years	Approximate annual vacation	Vacation factor
Under 6 months	0.00 - 0.49	1 week after 6 months	.0385 per hour
6-12 months	0.50 - 0.99	2 weeks after 12 months	.0770 per hour
1 - 9 years	1.00 - 9.99	3 weeks	.0575 per hour
10 - 19 years	10.00 - 19.99	4 weeks	.0767 per hour
20 years	20.00 or more	5 weeks	.0958 per hour

The **qualified service period** is the amount of employment service used as the basis for benefits accumulations. It consists of the service since the hire date and excludes time off for sickness or leaves of absence, except military leave.

During the qualified period of service indicated in the table, vacation is calculated by multiplying the **vacation factor** by the employee's **accrual base hours**.

Accrual base hours are regular, scheduled work hours. These scheduled work hours may be paid as

- regular hours worked, but not overtime hours worked
- vacation
- holiday time, whether personal floating holiday or scheduled by the University.
- leave for jury duty or a funeral

For each of these hours, the employee receives as vacation the fraction of an hour indicated by the **vacation factor**.

A full-time work schedule without leaves or sickness absence results in accrual of the **approximate annual vacation** indicated in the table.

Vacation is *not* accrued on hours reported as absent without pay or during sick time or family leave, whether paid or unpaid. When the vacation accrual maximum has been reached, vacation is not accrued until some vacation has been used, as described below in the section "Maximum accumulation of vacation time."

Paid Time Benefits

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Vacation accrual for
exempt staff

Vacation balances for exempt staff are maintained by the department, and yearly totals are submitted to the HRIS Division of the Department of Human Resources. Listed below are the amounts of vacation time exempt employees receive.

Service completed	Annual allowance	Days earned per month
Under 6 months	1 week	0.83
7 - 12 months	2 weeks	1.67
1 - 9 years	3 weeks	1.25
10 - 19 years	4 weeks	1.67
20 or more	5 weeks	2.08

After six months of continuous service, employees may use one week of vacation time. After completing the first year, employees may use the remainder of the first year's vacation. Thereafter, for those paid monthly, one-twelfth of the annual vacation time is accumulated at the end of each completed month of service.

Accrual calculation

Following the first year of employment, an employee accrues vacation time at the end of each pay period. Accumulated vacation time appears on a nonexempt employee's payroll check stub or direct deposit notice. The employing department maintains records of vacation accruals and usage for exempt employees.

Maximum accumulation
of vacation time

Staff members, both exempt and nonexempt, do not accumulate more than one and one-half times their annual allowance of vacation time at any time during the year. When this maximum has accumulated, no additional vacation accrues until some of the accumulated time has been used and the accumulation falls below the maximum. For an employee who has reached the maximum accumulation, vacation that might otherwise accrue is lost. The employee and the department must assure that vacation time is scheduled to avoid losing it. Employees who separate from the University are paid their accrued vacation up to the maximum allowed.

Accruals for 9- 10- and 11-
month work schedules

Employees working 9, 10, or 11 months per year accrue vacation and nonexempt sick time at the rates shown in these tables during the time paid in the 9, 10, and 11 months of the work schedule. Vacation and sick time do not accrue during the months off work, and consequently the annual amount of vacation accrues in proportion to the number of months worked during the year. In addition, the University service indicated by the "Qualified service period" and "Service completed" in the tables above accrues during the time worked in the 9-, 10-, or 11-month schedule but does not accrue in the months not worked. During the months not worked, employees on these schedules are on leave of absence to assure continuity of benefits.

Using vacation time

When available. Vacation is available for use in the first full pay period following the date when six or twelve months of service is completed. After six months of continuous service, employees accrue and may use up to one week of vacation time. After completing the first year, employees may use the remainder of the first year's vacation.

Scheduled. Use of vacation time must be scheduled in advance in accordance with department rules. The department and the employee schedule vacation time when it is mutually convenient. The department may limit the amount of vacation taken at one time in consideration of departmental needs and the vacation entitlement of other employees. Departments may specify periods when no vacation may be taken.

No advance. Vacation time is not advanced, that is, vacation cannot be taken before it is accrued.

Not cashable. No payment is made to an employee in lieu of vacation time, except at termination of employment.

Portability. Employees who transfer from one department to another retain their accumulated vacation time.

Coinciding holiday. When a University holiday falls during an employee's vacation, the day is paid as holiday time rather than as vacation.

Paid Time Benefits

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University scheduled holidays

Employees are paid their average daily rate for the scheduled holidays observed by the University.

The University observes these holidays and pays employees for the day:

New Year's Day	Labor Day	Friday after Thanksgiving Day
Memorial Day	Thanksgiving Day	Christmas Day
Independence Day		

Additional holidays may be scheduled, usually at Christmas and New Year's. The Department of Human Resources publishes a calendar of the dates on which holidays are observed. Normally, holidays whose traditional date falls on a Sunday are observed on the following Monday, and holidays falling on a Saturday are observed on the previous Friday.

Holiday pay

Average rate. Nonexempt employees are paid one tenth of their position's biweekly standard hours for the holiday, calculated scheduled biweekly hours divided by 10.

Holiday work. Nonexempt employees required to work on a regular holiday receive pay at a rate 1½ times their regular hourly rate for the work on the holiday, plus an alternate day off with pay as a substitute for the holiday. If management determines that it cannot schedule another day off within 30 days before or after the holiday worked, the employee receives the alternate day's straight time pay in lieu of the day off. Hours paid but not worked do not count toward overtime pay in the week paid.

Alternate holiday. If a holiday falls on an employee's scheduled day off, the employee receives an alternate workday off, scheduled within 30 days of the holiday.

Forfeiture for absence. To be paid for a university scheduled holiday, exempt and nonexempt employees must be in paid status for at least 50 percent of the pay period in which the holiday falls. The holiday itself is included in the pay period hours, whether 70, 75, or 80, but is excluded from the paid status time for determining holiday pay eligibility.

Paid status means being paid for time

- at work,
- on paid vacation,
- on approved, paid sick time,
- for a personal floating holiday,
- on jury duty,
- on funeral leave, or
- on paid military leave.

Scheduling of vacation, personal floating holidays, and alternate holidays is always at the mutual convenience of the employee and the employing department and requires the prior approval of the supervisor.

Newly hired employee. A newly hired employee is eligible for holiday pay for a holiday following the first day of work if the employee works 50 percent of the work days between the first day of work and the end of the pay period.

Personal floating
holidays

The University annually provides up to three days of paid time absent from work, to be scheduled at the discretion of the employee and with the approval of the department or supervisor. Floating holidays are made available to employees for personal business, family sickness or bereavement beyond the leave, religious observance, or other occasions of their choosing on University business days. Floating holidays may also be used to extend vacation.

Eligibility. An employee with six months of service is entitled to take three personal floating holidays before the end of the year, with a day becoming available on each of January 1, April 1, and July 1 following the completion of six months of service.

No carryover. For nonexempt staff, floating holidays earned during the year at the dates specified must be taken by the end of the last full pay period of the year and may not be taken in a final partial pay period of a calendar year or in the following calendar year. Floating holidays not taken in the year earned are converted to sick time days, available as paid sick time in case of illness. For exempt staff, floating holidays unused by year-end are forfeited.

Scheduling. Floating holidays must be scheduled with the employee's supervisor. If department work and other vacation and holiday schedules permit, the floating holiday may be scheduled with other holidays or vacation.

Floating holidays are to be scheduled as far in advance as possible to permit coordination of department work loads. Scheduling of holidays on short notice for emergency purposes is at the discretion of the department or supervisor, and the supervisor may request documentation of the reason for emergency use.

Paid Time Benefits

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Paid sick time

Northwestern University provides paid time as a form of income protection for employees unable to work because of illness. Paid sick time is applicable only to absence required by bona fide disability and related visits to certified caregivers for treatment.

Accrual for nonexempt employees

During each year of full-time service, a nonexempt employee may accrue up to 10 days of time that may be taken as paid time absent if a disability or illness renders the employee unable to work. Part time employees accrue the fraction of 10 days of sick time proportionate to the fraction of full time that they work.

Sick time accrues with additional service and continues to accrue from year to year without limit. Longer service employees accordingly have greater income protection in case of serious disability or sickness.

Paid sick time is not accrued on hours that are reported as absent without pay or that are taken as sick time, whether paid or unpaid.

Available paid sick time for exempt employees

Paid sick time is available to exempt employees on the following schedule.

In this year of continuous service . . .	As indicated by this qualified service period (in years) . . .	The days of paid sick time available are . . .	At this percent of salary . . .
First	0.00 - 0.99	1 per completed month, up to 10	100
2nd and 3rd	1.00 - 2.99	20	100
4th and 5th	3.00 - 4.99	42	100
6th through 10th	5.00 - 9.99	65	100
		65	60
11th and after	10.00 or more	130	100

For exempt employees, unused sick time days are not accumulated and are not carried forward for use in another year. As indicated by the qualified service period, the amount of sick time changes on the service anniversary.

Transferring between nonexempt and exempt status

A staff member transferring from a nonexempt position to an exempt position receives the sick time allocation for exempt staff based on the qualified service period.

An employee transferring from an exempt position to a nonexempt position receives the sick time accrual based on the accrual for the person's qualified years of service less the number of sick days taken in those years.

Sick time and Workers' Compensation

Absence due to an injury on the job or occupational disease is not charged to sick time but rather is paid as Workers' Compensation.

Use of paid sick time

Evidence. A supervisor may require satisfactory evidence for any claim for paid sick time. An employee who reports that his or her doctor has advised not working may be required to provide a statement from the caregiver to receive paid sick time. The caregiver's statement must say that the employee is disabled and unable to work without endangering his or her health or the health of others in the workplace. Upon returning to work after an absence of 15 or more working days, the employee is required to submit a physician's statement about ability to return. A department may require such a statement after a shorter period of absence.

Physician visit. Visits to certified caregivers for treatment or checkups qualify for use of sick time. This use of paid sick time must be scheduled at a time least disruptive to department operations and requires supervisory approval. Documentation may be required.

No advance. Paid sick time is not available in advance of accrual.

Portability. Transfer from one position or department to another does not affect an employee's sick time accumulation.

Available if disabled from work. An employee who must cease work because of illness or disability qualifies for payment of accrued sick time prior to termination or leave of absence from employment. The scheduling of this benefit may be coordinated with benefits provided by the University's short term and long term disability plans.

Abuse. Sick time abuse is a basis not only for disapproval of sick time pay but also for corrective action, up to and including termination of employment.

Retirement bonus. A nonexempt employee who retires from the University at age 60 or older is paid a bonus equal to 25 percent of the value of accumulated sick time, to a maximum of \$3,000.

Supplemental disability insurance

Disability insurance is available in addition to the paid sick time benefit. Staff members with short service with the University may find the Short Term Disability Plan insurance to be valuable protection of income in cases where they have not accrued very much sick time. Details on the Short Term Disability can be accessed at <http://www.northwestern.edu/hr/benefits/>.

Long Term Disability insurance is recommended for all. Costs and benefits for this plan are found at <http://www.northwestern.edu/hr/benefits/>.

Paid Time Benefits

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Sick time for pregnancy
and maternity

Pregnancy. Earned sick time is applicable to disabilities due to pregnancy that prevent the employee from working scheduled hours.

When a pregnant employee leaves her job while still able to work, either permanently or on an authorized leave of absence, she does not receive paid sick time, because the absence is not due to disability.

Maternity. For time off work during the disability following delivery, up to six weeks of accrued paid sick time may be used. A participant in the Short Term Disability plan may also apply for benefits from that plan.

Additional time off for maternity. An employee may seek up to an additional six weeks of leave for child care, whether the additional time is needed for disability or wanted for family care.

- Paid sick time. If additional accrued paid sick time is requested for disability beyond the six weeks accrued and made available for maternity, the employee must provide the department with a caregiver's statement to establish that the employee is still unable to work because of the disability.
- Vacation and holiday pay. For the additional six-week period, the employee may be paid by using accrued vacation and personal floating holidays.
- If disability is the reason for extending the maternity leave beyond six weeks and if the employee has participated in the University's Short Term Disability Plan, she may apply for benefits to be paid according to that plan.
- When the paid time is exhausted within 12 weeks of the delivery, including time paid from the accruals of up to six weeks of sick time and accruals of vacation and personal floating holidays, the paid time may be followed by unpaid leave of absence.

Holding the job. An employee who has completed 12 continuous months of employment and has worked at least 1250 hours during those 12 months will have the job held during the 12 week period of leave.

Sick time for illness in
the immediate family

Up to five working days in a calendar year may be used from the paid sick time allowance to care for a close relative who is ill. For the purpose of this policy, "close relative" is limited to

- a child (natural, adopted, or foster child; or a stepchild or legal ward) under 18 years of age or, if older, unable to care for himself or herself because of a serious illness or disability
- a parent (natural, foster, or adoptive parent; or a stepparent) or legal guardian of the employee or employee's spouse
- a spouse or NU-registered domestic partner.

See also the provisions for leave for family care on page 31.

Election time

Employees who are unable to vote before or after regular working hours on Election Day may take the time needed to vote, not to exceed two hours, during the working day without loss of pay. Prior supervisory approval is required.

An employee must notify the supervisor in writing at least two days before the election of why he or she needs to vote during working hours.

Funeral time

Employees may receive paid time off from work to attend a funeral or make funeral arrangements for close relatives.

Up to three days' absence with pay is allowed for death in the immediate family (parent, stepparent, spouse or NU-registered domestic partner, child, stepchild, sibling, or stepsibling).

Up to one day is allowed for a grandparent, grandchild, child-in-law, parent-in-law, brother- or sister-in-law, or stepsibling-in-law.

With prior supervisory approval, additional time for travel or making arrangements, or for the funeral of another relative such as an uncle, aunt, nephew, or niece, may be taken as vacation, personal floating holiday time, or absence without pay.

The employee should provide the supervisor with as much notice as possible. Evidence of the death and relationship may be required.

Jury duty

The University encourages participation in jury duty. An employee is allowed to be absent with pay for jury duty but is expected to report for regularly scheduled work on days when not required to perform jury duty.

Pay during jury duty. Pay for petit jury duty, such as for Cook County, may be retained by the employee. When an employee serves on a grand jury, as in federal matters, his or her regular pay is reduced by the amount of grand jury pay received. The employee should call the Payroll Office for instructions for this occasion.

Notice. An employee should provide appropriate documentation with as much notice as possible to the department head, who forwards the notice to the Department of Human Resources. The employee must provide proof of jury duty service upon return to work.

Reporting. Exempt employees are to send proof of jury duty service to the Payroll Division of the Department of Human Resources for the employee file.

Paid Time Benefits

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Military reserve
training

The University grants time off for mandatory periods of training to eligible employees who are members of a military reserve or National Guard unit. Employees who have completed at least six months of University service receive their regular University wages for this period, less the amount of gross pay from federal or state authorities, for training periods of two work weeks or less.

Military leave for active duty

Eligible employees who enlist or are inducted into the armed forces of the United States are entitled to military leave of absence by federal law.

Military leaves continue until any of the following:

- 90 days after date of discharge or release from active military service
- 31 days after date of release from six months of active duty training
- 90 days after release from hospitalization, provided this does not extend more than a year beyond the date of discharge

Paid time accruals. On starting military leave for active duty, the employee may have vacation and personal floating holiday accruals paid by check. Sick time accruals are not paid, but the balance of the accrual at the time of starting the leave remains available at the time the individual returns to employment with the University.

Employee requests leave. The employee's written request for a military leave of absence should be submitted to the employee's department head who forwards it to the appropriate administrator in the Department of Human Resources. Evidence of the induction or enlistment date should be attached.

Affect on benefit plans. The various benefit plans for an employee granted a military leave of absence are affected. For more information, contact the Benefits Division of the Department of Human Resources.

Return from military leave. An employee returning from military leave is reinstated to his or her former or a comparable position unless such reinstatement is impossible or unreasonable for the University. University service continues to accrue to the credit of the individual during the period of leave for active military duty.

Unpaid Leave of Absence

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Leave of absence

For employees with at least one year of service, the University grants unpaid leaves of absence for family needs such as adoption or foster care of a child, or care of a spouse, child, or parent with a serious health condition, and grants medical leave for a personal serious health condition. The University may also grant leaves for personal development, research, or travel. Leave is provided after layoff following the discontinuation of a job.

Kinds of leave

Paid leave is available for absence due to sickness or injury and for military duty, as described starting on page 25.

Unpaid leave of absence is granted for

- **personal medical care**, for an employee's serious health condition;
- **maternity**, which is a form of family care leave;
- **family care**, for adoption, or to care for a serious health condition of a spouse, parent, or child; and
- **personal development**.

Provisions for each kind of leave

Leaves of absence of each kind have provisions with respect to each of the following:

- availability
- duration
- holding the position
- benefits available during the leave
- certification and approvals

General descriptions of the provisions follow. Detailed provisions governing these leaves and an application form are found in the leave of absence booklet, available on line at <http://www.northwestern.edu/hr/forms/LOABook2002.pdf>, and at the Department of Human Resources

Availability of leaves of absence

Personal medical care or family care. A leave of absence is available to an employee for care of a personal serious health condition or for family care if the employee has completed 12 continuous months of employment and has worked at least 1250 hours during those 12 months.

Personal leave. A leave of absence for personal reasons, such as personal development related to Northwestern work or career, for travel, or for research, is available to employees who have completed at least 12 continuous months of University employment.

Unpaid leave of absence may be granted after accrued paid time benefits are exhausted. If departmental operations permit, a personal leave of absence may be granted for sufficient reason to eligible employees who wish to continue University employment but find that they need more time away from work than is available in their accrued vacation and personal floating holidays.

Duration of leaves of absence

Leave for personal health or family care. An absence of up to 12 weeks is available during which the employee's job or an equivalent job is held for the employee and benefits can be continued. Paid time for personal health or family care is used prior to unpaid time in this order:

- available paid sick time or paid family sick time,
- accrued vacation and personal floating holiday time, and
- unpaid leave.

An unpaid medical absence extending beyond two weeks requires that a medical leave of absence be approved prior to the absence or as soon as possible during the absence if the employee is to retain employment status with the University.

End of leave. A leave of absence ends on return to active employment, whether at Northwestern or any other employer. The staff member who does not report to work at the expiration of a leave or does not request an extension of the leave at least two weeks before the expiration indicates to the University that he or she is abandoning the job.

Holding positions during leaves of absence

Personal medical care and family care. Leave for personal medical care or for care of a parent, spouse, son, daughter, or NU-registered domestic partner – and including leave for childbirth – provides for holding the employee's position or a similar position for 12 weeks from the start of the serious health condition. This 12-week period includes any paid time taken since the onset of the condition, such as holiday time, vacation, and paid sick time.

During leaves for the care of family members other than those listed above, the position can be held for the employee if departmental operations permit.

Similar position. If departmental operations require, a different position equivalent in pay and benefits and with similar responsibilities may be held by the department for the employee to assume on return from the leave.

Intermittent and reduced schedule leave. If an intermittent or reduced schedule leave is granted for family or personal medical care, the employee may be required to transfer to another, perhaps dissimilar, position in the department with equivalent pay and benefits.

Leave at large. A leave is considered at large when the position cannot be held for a personal leave or after the 12 weeks of holding the job during a medical leave. (Family care leave is not extended beyond 12 weeks, but medical leave for an employee's own serious health condition is available beyond 12 weeks.) A leave at large provides no guarantee that the employee will obtain other Northwestern University employment.

Unpaid Leave of Absence

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Benefits during leave of absence

Service accrual preserved. A leave of absence enables an employee to return to active employment at the end of the leave without loss of service credit accrued at the time the leave began.

Paid time benefits accruals. Employees do not accrue vacation, personal floating holidays, paid sick time, or holiday time while on an unpaid leave of absence; nor do they accrue service credit during the leave, unless on active duty military leave.

Insurance benefits availability. During leave of any length for personal medical care, the employee pays only the employee share of health plan premiums. Leave for family care permits the employee to continue insured benefits for up to 12 weeks, with the University paying the employer share and the employee paying the employee share. During a leave of absence for other reasons, and for nonmedical leave beyond 12 weeks, the employee may continue insured benefits by paying the entire premium, as usually paid by both the employer and the employee.

Long term disability. For participants in the Long Term Disability plan, benefits may be available after six months of medical disability. For eligibility requirements, call the Benefits Division of the Department of Human Resources. The employee may also qualify for Social Security disability benefits.

Certification and approval for leaves of absence.

Written request. The employee's written request specifying the reason for the leave and the start and ending dates must be submitted to the department manager at least two weeks before the leave starts, except in emergency.

Provider certification. For a medical or family medical care leave, a written statement from the health care provider is required. The certification form is available in the Leave of Absence booklet available from the Department of Human Resources or on-line at the address above.

Approval of leave. An absence of more than two weeks for medical or family care, or for other personal reasons, requires a leave of absence approved by the Department of Human Resources if the employee is to retain employment status.

Return to work. To be restored to active employment after a medical leave of 15 or more work days, the employee is required to submit a medical certification of ability to return to work.

Benefit plans

Northwestern University provides the following benefits to eligible employees:

- group term life insurance
- optional term life insurance
- health care plans
- dental care plans
- flexible spending account (FSA)
- short term disability plan
- long-term disability (LTD) plan
- accidental death and dismemberment (AD&D) plan
- educational assistance plan for employee undergraduate and graduate study at Northwestern University
- portable tuition plan
- retirement plan
- travel accident plan

No individual may be covered more than once simultaneously under any University sponsored employee benefit plans.

Plan descriptions

A companion to this handbook contains the summary plan descriptions for each of the University's benefit plans. The plan descriptions are also available on line at <http://www.northwestern.edu/hr/benefits/>.

Faculty and Staff Assistance Program

The University offers to its faculty and staff a cost-free, confidential, voluntary counseling service for help in handling issues of personal life such as problems in relationships with others, loss of a loved one, alcohol or drug use, stress from work from emotional pressure, financial or legal issues, or other personal problems. The service is provided for the faculty and staff and for members of their families or households.

Perspectives, Inc., provides the service as a contractor to the University, but Perspectives works separately from the University and shares no files or individual names with the University. The use of their service is a matter between the faculty or staff member and Perspectives, and is not reported to the University except as summarized in statistical reports.

Perspectives, Inc., is staffed by licensed clinical social workers and has affiliated professionals at the doctoral level or equivalent in psychological, legal, financial, and other areas. Perspectives has a number of offices in the Chicago metropolitan area, and appointments can be arranged at the convenience of the faculty or staff member, whether near home or near either campus. To make an inquiry or arrange an appointment, call Perspectives at 800-456-6327. Counselors are available 24 hours a day.

Payroll

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Direct deposit

Direct deposit is the usual method of wage payment to employees paid through Northwestern's payroll system. It guarantees that wages will be deposited in the employee's bank account on payday, even if the employee is absent or on vacation. Each payday the employee receives a direct deposit verification, similar to a pay stub, confirming the amount paid, deductions, and the amount deposited.

Some local banks offer free checking accounts to Northwestern employees who have direct deposit. For bank information and direct deposit applications, contact the Payroll Division of the Department of Human Resources.

Employees can sign up for Direct Deposit by using the HRIS Self-Service feature at <http://nuhr.northwestern.edu/>.

Personnel records

The Department of Human Resources maintains a personal file for every employee. The file includes the record of transactions relating to employment at the University. The file is confidential, and no information is provided to persons outside the University without the employee's consent or legal authorization.

An employee interested in reviewing his or her personal file may request a review in writing to the Department of Human Resources.

After separation from employment by the University, files are available for an employee's review until one year after the separation.

Home address, telephone, and other required information

Home address and phone. Employees are required to maintain their home address and telephone number on the University's HRIS on-line self-service web page, available at <https://nuhr.northwestern.edu>.

Other information. A change of name or marital status, or information about a birth or death in the staff member's immediate family should be reported to the Payroll Division. This information is submitted on the Personal Data Form, available from the employee's department or from Human Resources and at <http://www.northwestern.edu/hr/hris/>.

Name changes must be accompanied by a copy of the Social Security Card bearing the same name as the name to be used in the payroll system.

Name and address changes are reported to the providers of benefits, such as HMOs. However, it is important to notify the Benefits Division of Human Resources of any change in family circumstances that will affect those who are covered by or who are beneficiaries of employee insurance plans.

Employee identification card

An identification card with a photograph is issued by the Department of University Services to new employees when hired. Identification cards provide access to University buildings, library borrowing privileges, personal check cashing privileges at the Bursar's Office, and discounts on tickets to certain University theater and sports events. Spouses, retirees, and registered domestic partners may also receive identification cards from the University Services department.

Net ID and Email

Each staff member is provided with a University network ID and password, as well as an email address for the conduct of University business. The individual's Net ID and password are not to be shared with anyone. Sharing of NetID or passwords is a violation of the University network policy.

Transit cards and transit checks

CTA transit farecards and RTA transit checks for purchase of Metra tickets are available to be purchased through pre-tax payroll deduction. The pre-tax deduction enables an employee to save the amount of taxes that would ordinarily be assessed on income used to pay for transit. Applications are available from the Payroll Division of the Human Resources department and on line at <http://www.northwestern.edu/hr/hris/>.

Time Reporting

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Completing the biweekly employee time report

Biweekly Employee Time Reports are distributed to the department every other week through campus mail. Each nonexempt employee should keep the Biweekly Employee Time Report form at the workplace and fill it out every day he or she is at work. After an absence, the time report should be filled out on the first day back at work.

Members of departments using the Electronic Time Entry System (ETES) instead of the printed time report will find ETES instructions starting on page 43.

Time reporting

The employee must account for all time that is to be paid, whether for work or as paid time benefits, and for all of the position's standard hours during the biweekly pay period. Time is recorded in hours and tenths of hours (6 minutes). Time that cannot be divided evenly by 6 minutes should be rounded to the nearest tenth of an hour. These hours are reported in one of the following classifications.

- **Regular.** Hours worked under 40 in a week are regular time. The timesheet code is REG.
- **Overtime.** Hours worked beyond 40 in the University's work week are paid at 1½ times the regular hourly rate. The timesheet code is OTP.
- **Paid time off.**
 - Vacation (VAC)
 - Paid sick time (SCK)
 - Personal floating holiday (PFH)
 - Jury duty (JUR)
 - Funeral leave (FNL)
 - Other paid time (OPT)
 - Workers compensation (WCK)
- **Unpaid time off.**
 - Excused absence (EXA)
 - Unexcused absence (UXA)

Reporting in each pay period. A time report must be submitted for each pay period in order for an hourly-paid employee to continue on the payroll. If an individual takes a pay period as absent without pay, a report must be made on a timesheet for the time and submitted with the supervisor's signature of approval.

Dropping below 17½ paid hours per week or below 50 percent paid time in a pay period jeopardizes continuation of employee benefits. An employee absent and unpaid for a full biweekly pay period must request and receive approval for a leave of absence to avoid termination of University employment. Ordinarily, 30 days notice is needed for planned leaves of absence. See the policy on Leave of Absence.

Approval required

After completing the Biweekly Employee Time Report, the employee should sign it and give it to the supervisor or supervisor's designee to sign. An employee cannot sign his or her own Biweekly Employee Time Report for the supervisor even if authorized to sign other documents.

Employees who expect to be absent when the report must be submitted should leave it with the supervisor, who indicates the absence on the employee signature line.

Falsifying a Biweekly Employee Time Report is a serious offense that can lead to disciplinary action up to and including discharge.

Submitting the report

The Biweekly Employee Time Report must be received in the Payroll Division of the Human Resources department by noon of the Friday before payday. If a holiday occurs during a pay week, the form must be submitted one day earlier for each holiday. A schedule of payroll deadlines is published to all departments. Missing a deadline for submitting the Biweekly Employee Time Report means not being paid the following Friday. Employees whose reports are received after noon on the cutoff day but before 5 p.m. on payday can receive their paychecks on the Wednesday following the regular payday in the employing department without direct deposit.

Supervisors should note that the signed Biweekly Employee Time Report must be delivered directly to Human Resources; it is not to be returned to the employee.

On the Evanston campus, the Biweekly Employee Time Report should be taken Human Resources, 720 University Place, ground floor, or placed in a drop box at:

- the east entrance to the Human Resources building
- the administration office of the Kellogg Graduate School of Management, Leverone Hall 2-003
- the mail room of the School of Education, Annenberg Hall
- the mail room of the Robert R. McCormick School of Engineering and Applied Science

On the Chicago campus, the forms may be delivered to the Chicago Human Resources office, Abbott Hall, Room 150.

Use of the pink or green transmittal envelopes available at the Human Resources Department offices on both campuses helps give priority to processing this mail.

Reporting regular time

The Biweekly Employee Time Report must report every hour worked. Employees should fill in daily the number of hours worked for that given day. All hours worked up to 40 hours in the University work week are recorded as regular pay (REG).

EXAMPLE: An employee is scheduled for 37.5 hours in a work week but works 38.5. Hours should be reported as follows.

Sun	Mon	Tues	Wed	Thur	Fri	Sat	Type	Total
	7.5	7.5	8	7.5	8		REG	38.5

Time Reporting

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Reporting overtime

Time worked beyond 40 hours in a work week is overtime. An employee may work extra hours only with the supervisor's approval. The University work week begins at the start of Sunday and ends at the end of the following Saturday.

Time worked for a University department other than one's own department is included in determining overtime.

For work beyond 40 hours in a work week, the hours beyond 40 should be recorded as overtime, coded OTP.

Only hours worked and University Scheduled Holiday hours are used in computing the hours to start overtime. Sick time, vacation and personal floating holiday time, paid Workers' Compensation (WCK), and other paid time not worked, are not included in the accumulation of hours to qualify for overtime.

EXAMPLE: An employee works 9 hours on each of Monday, Tuesday and Wednesday, and on Thursday takes 8 hours of vacation time. After Thursday, the employee would have to work another 13 hours before receiving premium overtime. The time worked for that week would be recorded as follows:

Sun	Mon	Tues	Wed	Thur	Fri	Sat	Type	Total
	9	9	9		5	8	REG	40
				8			VAC	8
						3	OTP	3

In this example, Saturday is the employee's scheduled day off, but the first eight hours worked are regular work hours because there were only 32 hours worked before Saturday. Thus the last three hours of the 11 hours worked on Saturday are premium overtime because at the end of eight hours on Saturday, the employee had worked 40 hours for the week.

Because the scheduling policy allows adjusting an employee's weekly schedule, the same employee with the approval of the supervisor might elect to change the schedule for that work week, working Monday, Tuesday, Wednesday, Friday and Saturday, and not using a vacation day on Thursday. The employee would report the hours for that week as follows:

Sun	Mon	Tues	Wed	Thur	Fri	Sat	Type	Total
	9	9	9		5	8	REG	40
							VAC	
						3	OTP	3

In this schedule, the work days are changed without the use of the vacation day on Thursday.

Reporting holidays

Hourly-paid employees are paid one tenth of their biweekly standard hours for each University scheduled holiday. Even if an employee's normal work schedule for the day observed as a scheduled holiday is more or less than one tenth of the biweekly standard hours, the employee is paid for one tenth of the biweekly scheduled hours for the holiday.

EXAMPLE: An employee's biweekly schedule is 80 hours. The employee works 8 hours on each of Tuesday, Wednesday, and Thursday in the first week, for a total of 24 regular hours. Monday of the following week is the holiday and the employee earns 8 hours of holiday pay. The employee is required to be in paid status for 16 more hours in the pay period to earn the 8 hours of holiday time.

Su	Mo	Tu	We	Th	Fri	Sa	Su	Mo	Tu	We	Th	Fr	S		Tot
		8	8	8						8	8			REG	40
								8						HOL	8
					8	8			8			8		EXA	32

In the case above, the employee has paid time for at least 50% of the pay period, which allows payment of the scheduled holiday pay, even though the individual had excused absence (EXA) for 32 hours during the period.

Reporting sick time

Sick time is reported for all of the work hours missed due to sickness. For example, if a day missed due to sickness is scheduled for five hours of work, five hours of sick time are reported. If the day is scheduled for 10 hours, then 10 hours of sick time are reported.

Time Reporting

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Reporting holiday work

When working on a University scheduled holiday, the employee should report the number of hours worked for the holiday as regular hours worked (REG) and half of the hours worked as straight overtime (OTS). If the holiday time is to be rescheduled to a later time, note in the comment section, "Holiday to be scheduled at a later date."

Su	Mo	Tu	We	Th	Fri	Sa	Su	Mo	Tu	We	Th	Fr	S		Tot
		8	8	8	8			8	8	8	8	8		REG	80
								4						OTS	4

If the supervisor and the employee are not able to schedule the hours off and payment is to be made for the holiday, then one-tenth of the employee's biweekly scheduled hours are entered as holiday time, HOL. The employee will be paid the premium rate at 1½ times the regular hourly rate for the hours worked on the holiday and will be paid the regular rate for the holiday. Record on the time report the premium time as OTP and the holiday time as HOL.

Su	Mo	Tu	We	Th	Fri	Sa	Su	Mo	Tu	We	Th	Fr	S		Tot
		8	8	8	8				8	8	8	8		REG	72
								8						HOL	8
								8						OTP	8

Reporting unpaid absence

All of the biweekly position's standard hours must be accounted for on the Biweekly Employee Time Report. If the regular hours and other paid hours do not total to biweekly standard hours, the Payroll Division will assume that the unreported hours are unexcused absences and record them as UXA.

Su	Mo	Tu	We	Th	Fri	Sa	Su	Mo	Tu	We	Th	Fr	S		Tot
		8	8	8						8	8			REG	40
								8						HOL	8
														UXA	32

Employees cannot be unpaid for a full pay period without being on an approved leave of absence.

Reporting tardiness

An employee late in arriving for work or in returning from lunch must report the tardiness as unexcused absence (UXA). The time is rounded to the nearest tenth of an hour. A shorter lunch period or extending the end of the work day does not make up for tardiness.

Correcting errors on the report

To correct an error on the Biweekly Employee Time Report, an employee must complete a Biweekly Employee Time Report marking it as "correction" and accurately account for all scheduled and extra hours worked during that pay period. The entire form should be completed, including

- the total column for each line on which a number has been entered
- the reason for the correction under "explanation"

The same supervisor who signed the original form should sign the corrected form.

When time reported on the Biweekly Employee Time Report does not conform to University policy, or the paid time off entered is more than that earned, the time will be treated as absent without pay, coded as UXA. A corrected report must be submitted to change the unpaid time to an appropriate paid time category.

If a corrected report is received by 5:00 PM of the payday, a payment correction can be paid the following Wednesday. If a corrected report is not in by 5:00 PM of the payday, the adjustment will be made in the next regular paycheck. Corrected reports must be delivered to the Payroll Division of Human Resources, 720 University Place, Evanston.

Verifying hours reported

When the paycheck or notice of deposit is delivered, the employee should compare the hours shown with those reported on the Biweekly Employee Time Report. If they are not the same, the employee should notify the Payroll Division of Human Resources at 847 467-7606.

Vacation, paid sick time, and personal floating holiday balances are shown on each nonexempt employee's check stub. Before time off is taken, time must be available in these balances if the time off is to be considered paid time off. Any errors should be checked by calling the Payroll Division.

Time Reporting

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Using the Electronic Time Entry System (ETES)	ETES is an on-line computer system that allows biweekly regular, temporary, and work study employees to enter hours worked using a personal computer at the work station. It replaces paper timesheets. Employees complete their electronic time reports and have them approved by 5:00 p.m. on the second Friday of the pay period. An employee who works during the weekend may enter those hours worked on Friday or on the following Monday morning on return to work.
ETES instructions	Detailed instructions for using ETES are found in the on-line training at http://www.northwestern.edu/hr/hris/hris/development/etes/cbt/index.htm . Training manuals may be downloaded from: http://www.northwestern.edu/hr/hris/hris/development/etes/etesmanuals.html .
ETES automatic calculations	ETES will calculate overtime, holiday earnings, tardiness, and grace periods using rules built into the system for each employee. After each biweekly payroll, leave accruals are updated for sick time, vacation, and personal floating holidays and are available to each biweekly staff member in ETES.
Supervisor's authorization	Supervisors of biweekly employees complete an <i>ETES Authorization for Supervisors</i> and attend an ETES training session in order to access ETES. The <i>Authorization</i> can be found at http://northwestern.edu/hr/hris/hris/development/etes/etesecauth/pdf .
Approving time in ETES	Supervisors approve time reported in ETES by Monday at 10:00 a.m. following the close of the biweekly pay period. Email notices are sent two days prior to the approval deadline, reminding supervisors to approve time in ETES. A second reminder is sent to supervisors whose approvals are missing by 8:00 a.m. Monday. If the supervisor does not approve the time in ETES by 10:00 a.m., the staff member is paid for the time reported, but a paper timesheet signed by the supervisor is required.
Access to ETES	ETES is accessed with web browsers, Microsoft Internet Explorer or Netscape, by entering the address https://www-etes.ites.northwestern.edu/etes_prod/ . Both the staff member entering time and the supervisor approving it should use their own University NetIDs and passwords to log in. Questions about a NetID should be directed to the Help Desk at 847-491-4357.
Elapsed and positive time entry	The school or department determines whether to use elapsed time entry or positive pay for the members of the department. With elapsed time entry, the system fills in the scheduled hours as hours worked. The individual is required to adjust the hours as worked or code them as taken for sick pay, vacation, personal floating holidays, or as other absence. Positive pay entry presents an empty time report and the individual enters the time worked or paid for other reasons for each day.

Quick steps for entering time into ETES	<ol style="list-style-type: none"> 1. Open Microsoft Internet Explorer or Netscape. 2. Enter address https://www-etes.ites.northwestern.edu/etes_prod/ (This is easier if the address is kept as a bookmark.) 3. Log in using NetID and password. 4. Click "My Time Sheet". 5. Enter hours worked for the current pay period. 6. For hours not worked but to be paid, select an appropriate earning code from the drop down menu and enter the hours in the "Hours/Amt" box. 7. Click "Save". 8. View Summary. 9. Approve time sheet by clicking on the "Approve" box. 10. Click on "Save". 11. Close the window.
Overtime calculations	ETES calculates and pays overtime at 1½ times the regular hourly rate for hours reported beyond 40 in a work week. Time paid for a scheduled University holiday is considered as time worked in the week when the holiday falls for the purpose of calculating overtime for that week.
Charging overtime to a special account	<p>Nonexempt staff instructed to charge overtime to a special account are to report time in ETES as follows.</p> <ul style="list-style-type: none"> • In the "Work Hrs" box, enter the number of scheduled regular hours worked. • In the "Earn Code" box, select the OTP code from the drop down list. • In the "Hrs/Amt" box, enter the hours of overtime worked on that day. • In the "Special Account" box at the far right, enter the special account to which the overtime hours are to be charged.
Holidays in ETES	The Electronic Time Entry System automatically enters holiday hours into the time entry system for the days on which the University observes scheduled holidays, and it includes the earnings code HOL to identify the hours. The number of holiday hours is calculated as one tenth of the biweekly scheduled work hours. The calendar of holidays is published at the Department of Human Resources web site.
Work on a holiday	Instructions for entering time into ETES for work on a holiday are found in the Users Guide for ETES, pages 39-46.
Unexcused absence	If an employee is late or misses a scheduled work day entirely without prior approval of the supervisor, the scheduled time to work that was not excused prior to the absence is entered as Unexcused Absence, with the earnings code UXA. These hours are included in the summary of hours reported but they are not paid.
Jury duty	<p>Time served on jury duty is reported as follows.</p> <ul style="list-style-type: none"> • In the "Earn Code" box, select the code JUR from the drop down menu. • In the "Hrs/Amt" box, record the number of regularly scheduled work hours. • In the "Notes" field, include the comment that documentation will follow.

Time Reporting

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Funeral time	<p>Time taken to attend a funeral of a family member is indicated as follows.</p> <ul style="list-style-type: none"> • In the "Earn Code" box, select the earnings code FUL. • In the "Hrs/Am" box, enter the number of hours taken for the funeral. • In the "Notes" for that day, indicate the relationship of the deceased to the employee. Available time for funerals is described on page 28.
Viewing leave accruals	The current balances of leave accruals can be viewed by clicking on the words "Accrual Balance" at the bottom of the ETES time entry screen.
Time summary in ETES	The summary of hours recorded for the current pay period is viewable by clicking on the "Summary" icon at the bottom left of the ETES time entry screen. The summary shows the hours of each type, whether regular, sick, vacation, or holiday; and it shows overtime hours that will be paid for the period.
Employee approval of time	Each nonexempt staff member is notified by email two days prior to the end of the pay period to complete and approve time entry in ETES. If the staff member does not approve the time, the supervisor can do so without the employee's approval.
Supervisor approval	Two days prior to the end of the pay period, the supervisor is notified by email to approve the time entered. The employee will be paid without the approval, but a paper timesheet will be sent to the supervisor to confirm the approval.
Updating addresses	The home address and phone number of biweekly and temporary employees may be updated in ETES on the "My Profile" page. Temporary employees may also update their check addresses in the "My Profile" section.
Errors and warnings	Yellow and red warning messages indicate entries outside of the timekeeping rules of the system. Red warnings require a correction to complete the entry. Yellow warnings indicate a possible error, but may be ignored if there is no error known in the entry. The Users Guide for ETES describes warning and error messages.
Questions regarding ETES	<p>Further documentation on using ETES is available on line at http://www.northwestern.edu/hr/hris/hris/development/etes/index.html. Assistance from the ETES help desk is available at 847-467-7606 or by email from eteshelp@northwestern.edu</p>
Transferring from biweekly position to monthly position	Employees who transfer from the biweekly to the monthly payroll retain their vacation and personal floating holiday balances, but not their sick leave balance. Sick leave for monthly employees is not accumulated but is allocated annually.
Leaving Northwestern employment	<p>To indicate departure from the Northwestern payroll, the departing employee should circle the last day worked on the Biweekly Employee Time Report and record the final date on line marked "Explanation or comment".</p> <p>After the employing department has notified the Payroll Division that an employee is leaving the University, a paycheck is issued after the pay period of the last work day and will include pay for any unused vacation time and personal floating holidays.</p>

Recording paid time off

This table shows the codes to use for indicating the hours of a paid absence and the reason for the absence in order to receive pay for these benefits provided by the University.

To be paid the hours for this benefit . . .	See this page ...	And for each day on the report, record the hours to be paid as . . .
Vacation	22	VAC, vacation.
Paid sick time	26	SCK, sick leave taken
Sick leave for family illness	27	SKE, sick family leave taken
University scheduled holidays	23	HOL, holiday time taken.
Work on holidays when a substitute day off is scheduled within 30 calendar days	23	REG, and half the hours worked as OTS. When the holiday is taken, record the hours as HOL.
Work on holidays when a substitute day off cannot be scheduled within 30 calendar days.	23	HOL, holiday time taken, and record the same hours as OTP, premium overtime.
Personal floating holidays	24	PFH, personal floating holiday.
Funeral leave	28	FUL, funeral leave, and record the name and relationship of deceased in the Comment line.
Election time	28	ELE, election time.
Jury duty	28	JUR, jury duty, and attach a copy of the court summons or the pay stub from jury duty.
Military leave, when vacation is not used for military duty	29	MIL, military leave, and write "military leave" in the comment line. Present your military pay voucher to the Payroll Office when you return.
Occupational disability leave	25	WRK for the first three days of absence due to a work related illness or injury, with an explanation. Any more lost time is paid by the insurance carrier. DIS should be reported for time after the first three days of absence, while Workers' Compensation benefits are paid.

Questions

Employees with questions about recording paid time off should call the Payroll Division at 847 467-7606.

Performance and Conduct

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Civility, mutual respect, and violence on campus	As members of the Northwestern community, its faculty, staff, and students are expected to deal with each other with respect and consideration.
Expected behavior	Each community member is expected to treat other community members with civility and respect, recognizing that disagreement and informed debate are valued in an academic community.
Unacceptable behavior	Demeaning, intimidating, threatening, or violent behaviors that affect the ability to learn, work, or live in the University environment depart from the standard for civility and respect. These behaviors have no place in the academic community.
Violence	Violence is behavior that causes harm to a person or damage to property or causes fear for one's safety or the safety of others. Examples of violent behavior include physical contact that is harmful and expression of intent to cause physical harm. Such behavior is unacceptable in the Northwestern community.
Weapons	Weapons of any kind are prohibited on campus except for those carried by sworn police officers or other authorized security officers.
Responsibility to act	<p>A member of the community who is involved in or witnesses behavior on campus that poses imminent danger should immediately contact the University Police.</p> <p>In situations that do not involve imminent danger or for advice on the appropriate course of action, a member of the community is to notify a supervisor, department head, or student affairs staff member. Alternatively, the observer may report the incident to the Office of the Provost, the Department of Human Resources, or the Office of the Vice President for Student Affairs.</p>
Orders of Protection	Community members who have obtained restraining or personal protection orders are encouraged to provide a copy of the order to University Police for enforcement on campus.
Visitors	Visitors, vendors, and the families of members of the community are expected to comply with the provisions of this policy. Noncompliant behavior leads to removal from the campus.
Resources	Guidance for identifying potential threatening or violent behavior and for the best ways to deal with incidents is found at http://www.northwestern.edu/hr/policies .
Violation	A community member who has violated this policy is subject to disciplinary action which may include separation of the offending party from the University, consistent with established disciplinary procedures.

Performance review

Performance evaluations for regular staff employees are conducted annually, but they may be conducted at any time.

Supervising staff or faculty members are expected to provide position descriptions, facilitate the creation of performance objectives, and monitor performance and behaviors of each staff member.

Staff members are expected to understand the position description, assist in the creation of performance objectives, monitor progress throughout the year, and meet with the supervising staff or faculty member periodically through the year.

A year-end evaluation should be completed based on a review of the periodic summary information. The results of the year-end evaluation are used to determine the merit increase and facilitate the creation of the following year's performance and development objectives. *Performance Excellence* is the standard program to conduct the performance process, although a supervisor may use an alternative process that fulfills these needs.

Violations warranting immediate discharge

Some violations of policy and rules are serious enough to result in immediate discharge. These include but are not limited to

- falsification of employee records, time reports, reasons for absence, or other University records
- improper disclosure or use of private or confidential information
- unauthorized use of information systems or data
- physical violence or the threat of it
- flagrant insubordination
- gross dereliction of duty
- job abandonment
- theft
- intentional destruction of University property
- conviction of a felony related to the job
- professional misconduct
- scientific misconduct

Violations requiring correction

Less serious violations should be addressed through steps of correcting performance and generally do not call for immediate dismissal. These include but are not limited to

- tardiness
- absenteeism
- neglect of duty
- disruptive behavior
- resistance to supervision

An employee who is not performing the assigned job as expected is advised of the inadequate performance and counseled on needed improvement. Additional training may be appropriate.

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Safety

Job safety. In the interest of their own safety and that of others, employees must read and understand the *Employee Safety Handbook*, available on line at <http://www.northwestern.edu/risk/handbook.htm> or from the Office of Risk Management (847) 491-5610.

Security of property. To avoid theft, employees should be careful not to leave personal or University property unattended during absence from their work place, no matter how short the absence. The University is not responsible for loss of or damage to an employee's personal property.

Emergency telephones. Public emergency telephones are available in several locations on both the Evanston and Chicago campuses. Maps showing their locations are available from the University Police offices on both campuses and on line at <http://www.northwestern.edu/up/prevention/sad.html>. These telephones are identifiable by their yellow color and, at night, they are identified by blue lights. Lifting the receiver on one of these telephones immediately connects the caller with University Police.

Injury or illness related to the job

In accordance with Illinois statute, the University provides workers' compensation benefits to employees who sustain job-related injuries or diseases. The Office of Risk Management administers the workers' compensation program and publishes brochures that describe in detail the University's policies and procedures. These brochures (one for the Evanston Campus, one for the Chicago campus) are available on line at <http://www.northwestern.edu/risk/claims.htm>.

Employees must promptly report such injuries or diseases to the claims manager and their supervisor.

- **For life threatening emergencies, call 911.**
 - **For the Evanston Campus during business hours**, the primary care facility is Occupational Medicine Evanston/Glenbrook Associates (OMEGA), 1000 Central Street, Suite 840, Evanston, Illinois, (847) 570-2620, or 2050 Pfingston Road, Suite 280, Glenview, Illinois, (847) 657-1700.
 - **For the Chicago Campus during business hours**, the primary care facility is the Northwestern Memorial Corporate Health, Galter Pavilion, 201 East Huron Street, 9th floor - Suite #240, Chicago, IL, (312) 926-8282.
 - **During non-business hours**, the hospital emergency rooms are used at Evanston and Northwestern Memorial Hospitals.
-

Indemnification

The University protects each employee against legal liability or legal expenses incurred in connection with the performance of his or her job as long as the employee has performed the job in line with assigned duties, has acted in good faith in the performance of the job, and has not violated any law or University policy.

Personal visitors in the workplace

Individuals who make extended visits to the workplace but who do not have official business with the University distract employees and fellow workers from their responsibilities and may put visiting children at risk. Accordingly, visits by friends, children, or other relatives at the employee's work site are to be limited to casual visits of short duration.

The responsibility for the safety of children and other personal visitors to the University lies with the University employee they are visiting.

Buildings should be considered potentially hazardous, particularly for children, and as such are not appropriate as child care sites. The University has no liability for children's or other visitors' safety and does not provide resources in office or laboratory areas for their care or hospitality.

University policy on sexual harassment

It is the policy of Northwestern University that no male or female member of the Northwestern community – students, faculty, administrators, or staff – may sexually harass any other member of the community. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute harassment when:

- submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education; or
 - submission to or rejection of such conduct is used or threatened to be used as the basis for academic or employment decisions affecting that individual; or
 - such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would sense as an intimidating, hostile, or offensive employment, educational, or living environment.
-

Examples

Examples of sexual harassment include:

- Pressure for a dating, romantic, or intimate relationship
 - Unwelcome touching, patting, or hugging
 - Pressure for or forced sexual activity
 - Unnecessary and unwelcome references to various parts of the body
 - Belittling remarks about a person's gender or sexual orientation
 - Inappropriate sexual innuendoes or humor
 - Obscene gestures
 - Offensive sexual graffiti, pictures, or posters
 - E-mail and Internet use that violates this policy
-

Investigation and confidentiality

All reports describing conduct that is inconsistent with these policies will be promptly and thoroughly investigated. Complaints about violations of these policies will be handled confidentially, with facts made available only to those who need to know in order to investigate and resolve the matter.

Retaliation

The University prohibits retaliation against anyone for registering a complaint pursuant to these policies, assisting another in making a complaint, or participating in an investigation under the policies. Anyone experiencing any conduct that he or she believes to be retaliatory should immediately report it to one of the individuals listed under "Where to go for help," below.

Resolution

If a complaint of discrimination, harassment, or sexual harassment is found to be substantiated, appropriate corrective action will follow, up to and including separation of the offending party from the University, consistent with University procedure.

Academic freedom

Northwestern University is committed to the principles of free inquiry and free expression – to providing an environment that encourages the exploration and exchange of ideas. The University's discrimination and harassment policies are not intended to stifle this freedom, nor will they be permitted to do so. Prohibited discrimination and harassment, however, are neither legally protected expression nor the proper exercise of academic freedom; and such conduct is incompatible with the values of University.

Responsibilities under this policy

All members of the University community are responsible for creating a working, learning, and living environment that is free of discrimination and harassment, including sexual harassment. It is important to contact one of the individuals listed under "Where to go for help," if any of the following occurs:

- You believe you have been subjected to conduct or comments that may violate this policy
- You believe you have been retaliated against in violation of this policy
- You hold a supervisory, management or teaching position, and have been told about or witnessed conduct that you think may violate this policy.

Vendors, contractors and third parties

The University's policies on discrimination and harassment, including sexual harassment, apply to the conduct of vendors, contractors and third parties. If a member of the University community believes that he or she has been subjected to conduct that violates this policy by a vendor, contractor or third party, he or she should contact one of the individuals listed under "Where to Get Advice and Help." The University will respond as appropriate, given the nature of its relationship to the vendor, contractor or third party.

If you are discriminated against or harassed . . .

- Don't blame yourself.
- Say no.
- Remember that harassment and discrimination, including sexual harassment, are against University policy and may be against the law.
- Know your rights under University policy.
- Keep a written, dated record of events.
- Tell someone.
- Get help.
- Don't delay.

Are you the harasser?

Accused harassers are often surprised to learn how others view their behavior.

- Review your attitudes and actions toward others. Do you base your behavior on stereotypes? Is your behavior bias free?
- Consider the impact you have on others' attitudes toward their work, education, and self-esteem.
- Examine how others respond to what you say and do.
- Do not assume that colleagues, peers, employees or students enjoy racial or ethnic jokes, sexually oriented comments, remarks about their appearance or religion, or being touched or stared at.
- Do not assume that others will tell you they are offended or harassed -- by what you say and do.

If you think you may have offended or harassed someone . . .

- Apologize as soon as possible.
- Change your behavior.
- Read the policies on discrimination, harassment and sexual harassment
- Get advice from one of the resource people listed in "Where to Go for Help."

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Where to go for help

People are available to help you. The following individuals will take complaints of sexual harassment, explain complaint procedures, answer questions, and ensure that appropriate action is taken.

Director of the University Sexual Harassment Prevention Office
405 Church Street, Suite 201
Evanston Campus
(847) 491-3745

Associate Vice President for Student Affairs (student-to-student complaints)
Scott Hall, Room 36
601 University Place
Evanston Campus
(847) 491-8430

Associate Vice President for Human Resources
720 University Place
Evanston Campus
(847) 491-7505

Director of Equal Employment Opportunity, Affirmative Action, and Labor Relations
720 University Place
Evanston Campus
(847) 491-7458

Office of the Provost Rebecca Crown Center
633 Clark Street
Evanston Campus
(847) 491-7040
nu-provost@northwestern.edu

Discrimination and harassment prevention advisers

In addition to these resources, each school or unit of the University has advisors on the faculty and staff who have been trained to receive a complaint and to answer questions about these policies.

Confidential counselors

If you wish to speak with someone who is legally privileged to keep communications confidential, you may contact a confidential counselor. In order for the "confidential counselor" privilege to apply to a particular discussion, the discussion must be conducted confidentially and the complainant must have initiated the discussion for the purpose of seeking confidential counseling. After consulting with a confidential counselor, a complainant may decide to take no further action; such a decision is completely with the complainant's discretion. Because of the confidential nature of the counselor-complainant relationship, seeking advice from a confidential counselor does not constitute reporting an incident.

Drug free workplace

Northwestern University is committed to maintaining a drug free workplace in compliance with applicable laws. The unlawful possession, use, distribution, dispensation, sale, or manufacture of controlled substances is prohibited on University premises.

Violation of this policy may result in the imposition of employment disciplines defined for specific employee categories by existing University policies, statutes, rules, regulations, employment contracts, and labor agreements. At the discretion of the University, any employee convicted of a drug offense involving the workplace shall be subject to employee discipline or required to satisfactorily complete a drug rehabilitation program as a condition of continued employment.

University policy on drugs and alcohol

Northwestern University prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by its students and employees on University property, as part of any University activities, in vehicles owned or operated by the University, or at any work site or other location at which University duties are being performed by Northwestern employees.

Health risks and assistance

The use of illicit drugs and the abuse of alcohol may pose serious health risks to the user. Appendix A is a U.S. Department of Education summary of health risks associated with alcohol. Members of the Northwestern faculty and staff are encouraged to call the Faculty and Staff Assistance Program provided by Perspectives, Ltd., at 800-456-6327 for specific information about available counseling, treatment, rehabilitation, or re-entry programs. Summary descriptions of the programs are included in Appendix B. A summary of health risks associated with controlled substances, prepared by the U.S. Department of Justice, is attached as Appendix C.

Sanctions

Various local, state, and federal laws govern the possession and distribution (trafficking) of drugs and alcohol. Appendix D shows the penalties under federal law for trafficking in controlled substances and in marijuana. Appendix E provides the federal penalties for illegal possession of a controlled substance. Appendix F describes the sanctions for trafficking in controlled substances under Illinois law. The Illinois sanctions for possession of a controlled substance are in Appendix G. The Illinois penalties for trafficking in or possession of marijuana are found in Appendix H.

Sanctions continue

Sanctions, continued

In addition to the sanctions listed in the appendices, the following additional penalties are prescribed by Illinois law:

- Conviction of a second or subsequent offense under the Controlled Substances Act may result in imprisonment, a fine, or both up to double the maximum otherwise authorized. A prior conviction under federal law or the law of any other state makes a conviction under Illinois law a second offense.
- Conviction for "cannabis trafficking" of 2500 grams or more or for "controlled substance trafficking" (i.e., bringing these items into Illinois for purposes of manufacture or delivery) may result in a prison term of at least twice the minimum term otherwise authorized and a fine of up to twice the authorized amount.
- Delivery of a controlled substance by a person over 18 to a person under 18 may result in imprisonment for up to twice the maximum term and a fine up to twice the specified amount.
- Delivery of cannabis (marijuana or hashish) by a person over 18 to a person under 18 who is at least 3 years younger may result in imprisonment for up to twice the maximum term.
- A person over 18 who uses another person under 18 to deliver controlled substances may be imprisoned for twice the maximum term.
- Violation of provisions of the Controlled Substances Act in or on the grounds of any school or public housing complex or within 1,000 feet of the same will increase the felony status (and prison term) and the applicable fine.
- Participation in any conspiracy with respect to cannabis may result in imprisonment for two to five years and a fine up to \$200,000 plus certain forfeitures.
- Possession of cannabis plants may result, depending on the number of plants, in prison terms of up to seven years and fines of up to \$100,000 plus costs.
- Conviction under the Controlled Substances Act or the Cannabis Control Act, in addition to all other penalties, will result in a fine of not less than the full street value of the items seized.

Possession of 10 grams or less of cannabis by a person under age 17 may result in a fine of up to \$500 under Evanston ordinance.

Illinois law provides for a prison term of anything less than one year and for a fine of up to \$1000 for knowingly providing alcohol to persons under 21 or for providing false evidence of age or identity. Persons under 21 who present or offer false evidence for purposes of obtaining or purchasing alcohol may be jailed for up to six months and fined up to \$500. The same penalties apply to possession of alcohol by a person under 21 on or in any street or public place. Minors who consume alcohol are subject to prison terms of up to 30 days and fines of up to \$500.

Sanctions continue

Sanctions, continued

In addition to possible prosecution under these laws, students or employees who violate the prohibitions of this policy are subject to University-imposed disciplinary sanctions consistent with applicable procedures and regulations. Sanctions may include, but need not be limited to, suspension, expulsion, termination of employment, or referral to appropriate authorities for prosecution. Any disciplinary sanction imposed may also include the completion of an appropriate rehabilitation program as a condition of reinstatement or continued employment.

Monitoring

Northwestern University will regularly monitor its drug and alcohol abuse prevention program to determine its effectiveness, to implement any necessary changes, and to insure that its disciplinary sanctions are consistently enforced.

Notice of conviction

As a condition of employment, an employee of Northwestern will notify his or her supervisor if he or she is convicted of a criminal drug offense involving the workplace within five days of the conviction. In the event any such conviction involves an employee working on a federal contract or grant, the University will notify the granting or contracting federal agency within ten days of receiving notice of a conviction.

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Employee complaints

Employees who believe that they have been treated unfairly on the job should voice their complaints and have them reviewed. An employee who believes that he or she has not been treated fairly in accordance with University policies and who has been unsuccessful in satisfying the complaint through discussion with the supervisor or within the department may use the complaint procedure to obtain an administrative review of the conditions or actions causing the complaint. Complaints are to receive review and response without retaliation against the employee voicing the complaint.

Employees who wish to express a complaint on the Chicago campus should contact their human resources consultant, in Chicago, at the Human Resources office in Abbott Hall, phone (312) 503-8481. In Evanston, contact their department's human resources consultant at 720 University Place, Evanston, (847) 491-7507.

Matters for complaint. Complaint matters calling for this procedure include the improper or incorrect application of policy, suspension, and employment termination.

Complaints regarding discrimination, disability, or sexual harassment may be advanced through the means described in the sections on discrimination and sexual harassment in this handbook.

Some matters are resolved by means other than a complaint procedure. For performance evaluation, the judgment of the supervisor is normally determining. An employee may include a rebuttal letter in the record if there is disagreement with the supervisor's evaluation of performance. With respect to University policy and department rules, the employee is obligated to observe these. Recommendations for change in University policy may be made to the Department of Human Resources or through NUSAC, and departmental rules recommendations should be made to the head of the department. For personnel actions such as an unsuccessful application for promotion, the employee may seek an explanation from an staffing specialist or Human Resources Consultant, but the suitability of candidates for a job is determined at the discretion of the job's supervisor.

Accompanying employee. Except in a peer review described below, an employee may choose to be accompanied by another employee who may observe and provide support through the steps of the procedure but not express advocacy.

Pay during formal process. Time spent during scheduled working hours in meetings with Human Resources or in the formal steps of the procedure is treated as time worked for pay purposes. The employee must obtain prior supervisory approval for absence from duty and must cooperate in scheduling such an absence to lessen inconvenience to the department.

Complaint Procedure

Procedural options. An employee may start with informal discussion or any of these steps.

- * Informal discussion only. The employee may choose to have a confidential informal conversation with a human resources consultant. No further action need be taken.
 - * Personal action. The employee may decide to act on his or her own, perhaps discussing the matter with the person complained against.
 - * Human Resources facilitation. The employee may ask a human resources consultant to assist in a meeting with the person complained against. If this meeting concludes with a satisfactory solution, the employee may choose to take no further action.
 - * Formal investigation. The employee may write to the appropriate human resources consultant stating the complaint and asking for investigation and resolution of the complaint, which may include questioning the person complained against and other relevant parties. On the basis of the information, the consultant a resolution of the complaint and notifies the parties to the complaint, in writing when appropriate.
-

Appeal

A party dissatisfied with the result of the investigation may appeal by writing to the associate vice president for human resources within 5 days of receiving the decision. Within 30 days, the associate vice president reviews the matter and notifies both parties in writing.

A party dissatisfied with the decision of the associate vice president for human resources may appeal by writing to the senior vice president for business and finance within five business days of receiving the decision of the associate vice president.

If the appeal concerns a termination for one of the causes for immediate discharge such as those enumerated in the policy on performance management, the senior vice president reviews the matter and writes to both parties within five days of receiving the appeal, notifying them of the decision. For appeals of other matters, the employee may request a review by the senior vice president and, if the employee chooses, also request an advisory review by a peer review panel. For all appeals, the decision of the senior vice president is the final decision for the University.

Peer review

Except for matters of discrimination, sexual harassment, or conduct leading to immediate discharge, either party to a complaint may request a peer review when making the final appeal to the senior vice president. The peer review assesses whether the complaint procedure and the appeals were conducted fairly and whether the complaint process was followed according to policy; but the peer review does not take action or recommend a specific action nor does it review the substance of the complaint or any corrective action. On receiving the findings of the peer review, the senior vice president takes appropriate action.

If a peer review is requested, the senior vice president selects three members of the peer review panel from NUSAC, the faculty, or other members of the community as appropriate. The panel meets with each party to the complaint who chooses to meet with the panel and with the Human Resources representatives who have been involved in the matter. The panel reviews any documentation presented by any of those parties. There are no accompanying employees or witnesses, and the panel does not conduct further investigation beyond what is presented.

Within 30 days of receiving the appeal notice the panel writes to the senior vice president regarding the fairness and policy compliance of the complaint and of any corrective action. The memorandum is the only record of the panel's review. The documents presented by the parties are returned to them.

Within five business days of receiving the panel's memorandum, the senior vice president writes to both parties giving the final decision for the University.

Solicitation	University premises or resources are not to be used for the solicitation of business other than official University business. Employees may not use paid work time for solicitation for charitable causes not sanctioned by the University.
Personal mail and phone use	Employees may not use the campus mail system for receiving or sending personal mail. Personal phone use during working hours is to be limited to emergency calls. University stationery is for University business only, not for personal correspondence. It should not be used for business or political correspondence by employees not representing the University in an official capacity.
Equipment and facilities of the University	<p>University equipment and facilities provided for use by employees – such as lockers, offices, desks, and personal and network computers, their files, disks, and peripherals – are University property and are fully accessible to the University at all times.</p> <p>Employees may not use University facilities, supplies, vehicles, or equipment for personal reasons unless authorized to do so by their supervisor.</p>
Security of confidential information	Information contained in University files and records, whether paper or computer records, is to be used for its intended purposes only. Inappropriate employee access to, use of, or disclosure of such information will subject an employee to corrective action up to and including discharge.
Personal appearance and hygiene	Departments or their supervisors may set standards of personal appearance and hygiene as reasonable and appropriate for the operation of the department.
Smoking	Smoking is prohibited in University buildings and within 25 feet of building entrances, as well as in designated outdoor facilities.
Patents and inventions	<p>Patentable discoveries or inventions occasionally result from the research and educational activities at the University. Northwestern University desires to assure that all ideas and discoveries are properly disclosed and used for the greatest possible public benefit. The University also desires to protect the patent rights of faculty, staff, and students and to abide by federal law, University policy, and patent regulations of agencies and other sponsors providing funds for programs.</p> <p>Certain staff members may be required to sign a patent understanding that assigns rights in such inventions to the University and to submit disclosures of all inventions made using University resources. If funds are received from the licensing of such inventions, they will be distributed according to the University patent policy. The Technology Transfer Program administers this policy; further information is available from that office.</p>

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Use of computers and networks

It is the policy of Northwestern University to maintain access to local, national, and international networks for the purpose of supporting its fundamental activities of instruction, research, and administration.

Users of the networks are to take the necessary measures to safeguard the operating integrity of the systems and the accessibility of other users.

System use

Network users are responsible for:

- using the network in ways that do not interfere with or disrupt the normal operation of the system,
- respecting the rights of other users, including their rights as set forth in other University policies for students, faculty, and staff – rights that include but are not limited to privacy, freedom from harassment, and freedom of expression,
- knowing and obeying the specific policies established for the systems and networks they access.

Under no circumstances may users give others access to any system that they do not administer.

Network administration

Administrators of systems and networks have the responsibility to protect the rights of users, to set policies consistent with those rights, and to publicize those policies to their users. They have authority to control or refuse access to anyone who violates these policies or threatens the rights of other users, and they will make reasonable efforts to notify users affected by decisions they have made.

Appeal of an administrative action

Individuals who disagree with an administrative decision may submit an appeal of the decision to the appropriate office. Students may submit appeals to the vice president for student affairs, faculty members may appeal to the provost, and staff members may appeal to the associate vice president for human resources.

Conflict of interest

It is the policy of Northwestern University that its employees conduct the affairs of the University in accordance with the highest legal, ethical, and moral standards.

Northwestern University resources are to be used only in the interest of the University. An employee may not commit University resources to activities not in the interest of the University, including personal outside activities.

To avoid conflict of personal interests with University interests, an employee must not be in a position of making a decision for the University if his or her personal economic interest may be directly affected by the outcome.

Definitions

A **conflict of interest** exists where the occurrence of an outside activity competes with or diminishes the interest of the University or interferes with the employee's performance of duties on behalf of the University. A conflict of interest also exists where the outcome of a decision that should be made in the best interest of the University is in conflict with the personal or economic interest of the employee. Examples of decisions that commonly present conflicts of interest are those that require determining the use of suppliers, University resources, or one's own work time.

An **outside activity** is any paid or volunteer activity undertaken by an employee of Northwestern University outside the scope of his or her regular University duties. Outside activities include participation in professional, civic, or charitable organizations.

Paid activity includes paid services such as consulting, working as a technical or professional advisor or practitioner, or holding a part time job with another employer, whether working in one's University occupation or another.

Expectations for conduct

Northwestern University expects its employees to advance the University's mission of education, research, and service, as part of the responsibility with which they are entrusted. This includes applying the time and effort for which they are compensated, and the University resources at their disposal, toward University ends. When the application or use of these resources can result in personal advantage other than the agreed compensation or to the detriment of the University's mission, that use of resources represents a conflict of personal interest with University interest and is to be avoided.

This policy establishes a standard of conduct to enhance the reputation of the University and its employees and to protect the financial well-being and legal obligations of the University.

Since University staff are known to conduct University business with high standards, this policy also establishes a method to protect staff members from any questionable circumstances that might arise and to provide a method to resolve any apparent or real conflict of interest.

Apparent and real conflicts

Apparent conflicts of interest. On occasion, a staff member may be presented with circumstances in which personal and University interests may be unclear or where there may be an appearance of conflict of interest. For example, a staff member may have an outside business interest or time commitment that distracts attention from University work, invites use of University resources for that interest, or appears to influence judgment in University decisions. Often these conflicts are more apparent than real, but the appearance may raise a question of conflict. For example, a job outside of University business hours is not inherently a conflict of interest. Questionable situations are easily resolved by sharing them with the supervisor.

Real conflicts of interest. On other occasions, an individual may have an interest outside University work which could present a conflict in making a decision or in committing time or University resources, such as one's paid time. In these cases, informing the supervisor of the potential conflict often serves to remove the conflict because the supervisor can then become involved in the decision, removing the burden of the conflict from the staff member.

Good judgment of the staff is essential, and no list of rules can provide direction for all the varied circumstances that may arise. In case of doubt or a questionable situation, it is desirable to resolve the issue with one's supervisor.

Examples of conflict of interest

The following activities are examples of situations that may raise conflict questions.

Professional, charitable, or civic organizations. If University time or resources are used for professional, charitable, or community activities, the use of this time for those activities can be a conflict of interest. Incidental calls or interruptions by such activities are not likely in conflict with job duties. Participation in activities of a professional association representing one's assigned University work may align with rather than conflict with University interest. Conferences, workshops, and symposia as a presenter, attendee, or program organizer, or professional association business activities in the individual's professional area may advance both the individual's and the University's interests. A conflict of interest exists if the supervisor judges that the time on these matters subtracts inordinately from getting the assigned job done or judges that the activity is in conflict with department objectives or job goals. A discussion with the supervisor is needed to resolve any concern and is needed if these activities consume substantial work time or attention. A memorandum of the discussion and approval of the activity should be written to assure understanding and to document approval.

Consulting. Consulting activity that uses University resources or an individual's time on the job, because it competes with the University or conflicts with the performance of the job, presents a conflict of interest. Consulting that does not use the University's resources and does not occur during University work does not present a conflict of interest. Activities that present a potential conflict of interest require the written permission of the supervisor or department head. Permission is given if the activity does not compete with University activities or interfere with the performance of the staff member's University duties.

Examples, continued

Non-university activities during scheduled work use University resources, whether in consulting or other personal activity, and must be approved in advance by the individual's supervisor or department head. A conflict exists when University paid work time is used for activity unrelated to the University's business.

A **gift or gratuity** other than occasional meals. Favors of any value should be recognized for their influence on the objectivity of judgment with respect to the provider of the favor. Social invitations that do not place or appear to place the recipient under any obligation are acceptable, but their effect should be understood.

Use of University goods or services. A conflict of interest exists if University resources are used for the personal benefit of an employee or an employee's immediate family (spouse or children). Exceptions are goods or services generally available for sale to all employees, such as those advertised for disposal.

Economic interests. A business entity in which an employee has an economic interest represents a potential conflict of interest if the employee has any involvement in the selection of that entity as a University vendor. An economic interest includes the employee's or a relative's ownership or partnership in the business, including serving as stockholder, director or officer in a non-publicly held company. Engaging a relative as an independent contractor is also a conflict of interest for an employee. Conflict of interest can be avoided if the employee brings a supervisor into the decision to engage the vendor.

Approval process

Primary responsibility for conduct within this policy rests with each individual. An employee who may be involved in a conflict of interest or has any question about the application of this policy statement to his or her activities has the responsibility of advance notice and following the disclosure process outlined below.

Advance notice. An employee about to engage in an activity that may present a conflict of interest must provide written notification to the immediate supervisor or department head. The supervisor or department head considers all factors relevant to the situation and within five business days, if possible, advises the employee in writing whether the activity may be undertaken.

Disclosure. In addition to the advance notice for an individual about to undertake an activity with a possible conflict of interest, each University staff member is to affirm a lack of conflict or disclose any conflict of interest or potential conflict on a periodic basis in response to a questionnaire distributed for that purpose. The immediate supervisor or the head of the unit reviews responses to the disclosure questionnaire and approves or disapproves relationships or situations where conflict exists.

Appeal. A supervisor's disapproval may be appealed to the department head, if this is not the immediate supervisor, or to the dean of the school or to the vice president of an administrative area. The appeal should be in writing, and the individual receiving the appeal should respond within five business days.

It is expected that conflicts of interest are best resolved in the unit where the job is located, but staff members not satisfied with the appeal outcome may seek the help of the associate vice president for human resources in mediating the differences, or in further appealing the judgment if desired.

Assistance. A staff member may also wish to discuss his or her concerns regarding a conflict of interest decision with a human resources consultant in the Department of Human Resources. A member of the Northwestern University Staff Advisory Council (NUSAC), while not an advocate in an appeal, may provide support in working through an appeal.

Compliance

A member of the staff who does not comply with this policy is subject to discipline up to and including termination of employment.

Coercion or pressure imposed by supervisors on their subordinates to perform tasks unrelated to University business on University time or to behave in other ways defined in this policy statement as a conflict of interest are not tolerated and are to be reported by the employee to the dean of the school or the vice president of the administrative area. The individual may seek advice or report such incidents to the associate vice president for human resources if personal identification is a concern.

Credit union

University faculty and staff are eligible for membership in First Northern Credit Union, a not-for-profit financial cooperative. First Northern is owned and operated by its members -- the people who save with and borrow from the credit union. It has no outside stockholders, so it returns profit to members in the form of higher dividends on deposit accounts, lower rates on loans, reduced or eliminated fees, and better service.

Products. The credit union offers a wide range of financial products and services, including savings accounts, checking accounts, money market accounts, IRAs, share certificates (CDs), and children's club accounts. First Northern also provides its members with a host of loan products, including home equity loans and lines of credit, first mortgage loans, new and used vehicle loans, VISA Platinum credit cards, and more. Convenient services include free online banking, automated telephone banking program, direct deposit and payroll deduction.

Financial stability. Members enjoy the stability of a financial institution that has been growing steadily for more than half a century. All savings are insured both federally and privately for up to \$350,000 per account. Membership is free and lasts a lifetime.

To join: To join, members must deposit \$5.00 into a share savings account. Membership applications are available from the credit union, which is located in the basement of Rebecca Crown Center. First Northern Credit Union's contact information is: 633 Clark Street, Room G-594, Evanston, IL 60208-1124. Phone: (847) 491-3062; Fax: (847) 467-2499. Their web site is www.fncu.org.

Parking

Parking permits for University parking lots in Evanston are issued for a fee by the University Police Department at 1819 Hinman Street.

University parking on the Chicago campus is limited. Permits are issued by the University Services department to each school and to certain departments and they determine who qualifies for a permit. A fee is charged. The parking office on the Chicago campus is located in room 100, Abbott Hall, 710 North Lake Shore Drive.

Parking fees are paid by monthly payroll deduction on a pretax basis.

Cultural opportunities

The University offers many cultural and recreational benefits to employees. Northwestern University is famous for the quality of its theater and music programs, and employees may attend performances at modest cost. The *Observer's* calendar of events and *Plan-it Purple*, the University's on-line calendar found at <http://aquavite.northwestern.edu/cal/pp/> list scheduled dramatic, musical, and film presentations; lectures; colloquia; and exhibits on both campuses.

Athletic events

Season tickets to intercollegiate athletic events are available to staff members at reduced rates. In the spring, each staff member receives an application form for football and basketball tickets for the following season. Other tickets may be obtained at the Ryan Field ticket office at 1501 Central Street in Evanston. Tickets can also be ordered by phone by calling (847) 491-CATS.

Services and Facilities

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Physical education and recreation facilities

The University offers a variety of physical education and recreational facilities to its employees.

Evanston campus. The Henry Crown Sports Pavilion and Dellora A. and Lester J. Norris Aquatics Center on the Evanston campus includes an Olympic-sized pool; tennis, handball, racquetball, basketball, and squash courts; an indoor running track; and fitness equipment. Employees may use this facility on payment of either a daily fee or an annual membership fee.

The 15 outdoor tennis courts at Sheridan Road and Colfax Street and the 3 courts at the Coon Student Sports Center near Ryan Field are available to faculty, staff, and students during daylight hours. Employees need an identification card to use the courts, and in the summer a tennis pass must be purchased at the Tennis Center, 2310 Sheridan Road, from 8:30 a.m. to 7:00 p.m. Guests of employees must pay a \$5 fee. Reservations must be made a day in advance by calling (847) 491-3310 after 8:30 a.m.

The Blomquist Recreation Building, 617 Foster Street, is used for aerobics classes, volleyball, and basketball.

Tokens providing access to the Evanston campus University beach are available for a modest fee for employees and their immediate families from the Henry Crown Sports Pavilion or at the beach entrance. The beach is open from mid-June through Labor Day.

Childcare resource and referral

Northwestern staff and faculty have access to a resource and referral service through Action for Children. Call 773-564-8890 to speak with an account representative, who can help in identifying centers with spaces that meet your needs.

For additional childcare programs, visit the website for family and childcare resources at <http://www.northwestern.edu/hr/benefits/childcare>.

The Staff Advisory
Council (NUSAC)

Chartered by Northwestern University's president in 1973, NUSAC, the Northwestern University Staff Advisory Council, provides service to the University community through representation of the opinions, concerns, and experiences of its nonexempt and exempt staff. This representation takes place in meetings with the Department of Human Resources and other University administrators as well as through opportunities to nominate staff members for service on University committees and task forces.

NUSAC also provides service to University staff through networking and educational outreach by way of its newsletter, "brown bag lunch" seminars and by sponsorship of the president's annual State of the University address.

Membership. Members are regular full time or part time staff with two or more years of continuous service, and they serve no more than two consecutive three-year terms. Eighteen non-faculty employees from both Northwestern's Chicago and Evanston campuses serve on NUSAC, and each member serves on one of three standing committees.

Committees. The Human Resources Committee works with the associate vice president for human resources to provide staff input and to discuss proposed policy changes and procedures. The associate vice president reports pending matters of staff interest and asks for NUSAC's input. This committee also appoints a safety officer to serve as liaison to the University Campus Safety and Security Committee, maintains a complaint liaison for each campus, and coordinates NUSAC activities to promote policies beneficial to Northwestern's staff.

The Communications Committee coordinates the publicity and public relations activities of NUSAC to make staff, faculty, and the central administration aware of the Council's goals and activities. This committee publishes a periodic newsletter mailed to all staff and organizes "brown bag lunches" for staff to discuss issues with University representatives.

The Benefits Committee works with the director of benefits and provides a liaison with the General Faculty Committee's Benefits Committee. This committee reports staff suggestions concerning benefits policies and procedures and responds back to the staff.

Contacting NUSAC. The ideas, suggestions, and job-related questions of staff employees are important to NUSAC because it strives to address the points of view of all of Northwestern's staff members and works to represent them to the University's administration. NUSAC is listed in the University telephone directory, with the names and telephone numbers of the current chair and vice chair. NUSAC board members are also found on NUInfo.

NUSAC Meetings. NUSAC meetings are scheduled for the first Wednesday of the month, during normal working hours, on alternate campuses. The meetings are open to any member of the staff. To be included on the agenda, one should contact the chair in advance of the meeting.

Appendix A.
Health risks associated
with alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsion. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

Appendix B.

Programs available to
students and employees

Counseling and Psychological Services (CAPS). Northwestern's Counseling and Psychological Service is a university counseling center that provides counseling, crisis intervention, consultation, and outreach services for the university community. Students may seek assistance through CAPS for alcohol or substance abuse in a variety of ways. All students who seek counseling service from CAPS are screened during the assessment interview for their level of alcohol and substance use. CAPS professionals are also available for consultation with others in the University community who are concerned about a student's alcohol and substance abuse, and will assist others in planning how to refer a student for assessment and treatment. CAPS also consults regularly with the NU Health Services Alcohol and Substance Abuse Education program.

CAPS offers a variety of treatment alternatives depending upon the level of intervention needed by the student. Frequently CAPS will refer to community resources specializing in alcohol-substance abuse treatment after an initial consultation and assessment. If a student has NU student insurance, CAPS professional staff may authorize utilization of the policy for inpatient, day hospital, or outpatient services. In cases where students are referred to outside resources and CAPS has a written release of information, CAPS professionals may consult with the student's treatment providers and serve as a professional resource for the student and the treatment provider, helping to arrange medical withdrawals, medical clearance for re-entry, and follow-up services at CAPS or in the community.

PHIE. Peer Health Educators (PHIE) is a student group created for the University community. It is affiliated with BACCHUS, a national and community action program for alcohol abuse prevention. In addition, Peer Health Educators address alcohol abuse within the context of other health issues, including stress management, sexual health, violence, prevention, decision-making, and self-esteem.

The Peer Health Educators present firesides and conduct other educational programs on a variety of health-related topics. They receive extensive training on such issues as alcohol, tobacco, and other drug abuse; sexual health promotion; exercise and fitness; stress management; healthy eating and eating disorders. Furthermore, they receive skill-based training on such areas as communication, conflict resolution, cultural competence, and intervention. Among other areas of expertise, they are able to assist in identifying a peer who is affected by alcohol or drug abuse, as well as to provide initial support and additional resources to the affected individuals.

For more information about PHIEs, contact the Health Education Department at 847 491-2146.

Appendix B.
Programs available to
students and employees,
continued

ASAEP. The Alcohol Substance Abuse Education Program (ASAEP) was developed as a means of assisting students who need more alcohol and drug information. ASAEP provides a structured educational environment designed to help students explore attitudes and actions relating to alcohol and drug abuse.

The program is designed to provide accurate information about the psychological and physiological effects of alcohol and substance abuse. It gives students the opportunity to explore their personal reasons for using or abusing alcohol or other substances; examine values and influences associated with such use; explore and discuss responsible drinking behaviors and attitudes; discuss and identify problem drinking, chemical dependency, and appropriate treatment; and identify available campus and community resources.

Students may be referred to ASAEP by members of the University staff, or they may refer themselves to the program. Students involved in ASAEP are expected to abstain from the use of all mood-altering chemicals during the period of their attendance, attend the total program (three sessions of three hours each), participate in the program and complete written assignments, and meet with ASAEP staff at the closing session.

Faculty and Staff Assistance Program. Any employee of Northwestern who has a drug or alcohol problem is invited to contact the Faculty and Staff Assistance Program provided to the University by Perspectives, Ltd. to obtain confidential information and assistance. Perspectives, Ltd., can provide counseling and referrals for diagnosis or treatment programs, including Alcoholics Anonymous. Perspectives, Ltd., has a number of offices in the Chicago metropolitan area, including offices near both campuses. Call Perspectives, Ltd., at 800-456-6327. Counselors are available 24 hours a day.

Appendix C. Controlled Substances -- Uses and Effects

Drugs CSA Schedules		Trade or Other Names	Medical Uses	Dependence Physical	Dependence Psychological	Tolerance	Duration	Usual Methods of Administration	Possible Effects	Effects of Overdose	Withdrawal Symptoms
NARCOTICS											
Opium	II III V	Dover's Powder Paregonic Parepectolin	Analgesic, antidiarrheal	High	High	Yes	3-6	Oral, smoked	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, convulsions coma, possible death.	Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating
Morphine	II III	Morphine MS Contin Roxanol, Roxanol SR	Analgesic, antitussive	High	High	Yes	3-6	Oral, smoked, injected			
Codaine	II III V	Tylenol w Codaine Robitussin AC Formula w Codaine	Analgesic, antitussive	Moderate	Moderate	Yes	3-6	Oral, injected			
Heroin	II III V	Diacetylmorphine Horse Smack	None	High	High	Yes	3-6	Injected, sniffed, smoked			
Hydromorphone	II	Dialaudid	Analgesic	High	High	Yes	3-6	Oral, injected			
Meperidine	II	Demerol, Mepergan	Analgesic	High	High	Yes	3-6	Oral, injected			
Methadone	I	Dolophine, Methadone, Methadose	Analgesic	High	High-Low	Yes	12-24	Oral, injected			
Other Narcotics	I II III IV V	Nunmorphan, Percodan, Percocet, Tussionex, Fentanyl, Darvon Talwin, Lomolil	Analgesic, antidiarrheal, antitussive	High-Low	High-Low	Yes	Variable	Oral, injected			
DEPRESSANTS											
Chloral Hydrate	IV	Notac	Hypnotic	Moderate	Moderate	Yes	5-8	Oral	Slurred speech, disorientation, drunken behavior without odor of alcohol	Shallow respiration, clammy skin, weak and rapid pulse, coma, possible death.	Anxiety, insomnia, tremor, dele coma, possible death
Barbiturates	II III IV	Amytal, Lorazepam Nembutal Phenobarbital	Anesthetic, anticonvulsant, Veterinary euthanasia agent	High-Mod.	High-Mod.	Yes	1-16	Oral			
Benzodiazepines	IV	Xanax Serax Valium Diamox	Antianxiety, anticonvulsant, sedative, hypnotic	Low	Low	Yes	4-8	Oral			
Methaqualone	I	Quaalude	Sedative, hypnotic	High	High	Yes	4-8	Oral			
Clutethimide	III	Condon	Sedative, hypnotic	High	Moderate	Yes	4-8	Oral			
Other Depressants	III IV	Equanil, Milltown Placidyl, Valmid	Antianxiety, sedative, hypnotic	Moderate	Moderate	Yes	4-8	Oral			

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Appendix C. Controlled Substances -- Uses and Effects, continued

Drugs CSA Schedules	Trade or Other Names	Medical Uses	Dependence		Tol- erance	Duration	Usual Methods of Admini- stration	Possible Effects	Effects of Overdose	Syndrome
			Physical	Psycho- logical						
STIMULANTS										
Cocaine	II Coke, Flake Snow, Crack	Local anesthetic	Possible	High	Yes	1-2	Sniffed, smoked injected	Increased alertness, excitation, pulse rate and blood pressure, insomnia, loss of appetite.	Agitation, increase in body hallucinations, convulsions, possible death.	Apathy, long periods of sleep, irritability, depression, disorientation.
Amphetamines	II Biphetamine, Delcobase Desoxyn Dexedrine Obetrol	Attention deficit disorders, narcolepsy, weight control	Possible	High	Yes	2-4	Oral, injected			
Phenmetrazine	II Preludin	Weight control	Possible	High	Yes	2-4	Oral, injected			
Methylphenidate	II Ritalin	Attention deficit disorders, narcolepsy	Possible	Moderate	Yes	2-4	Oral, injected			
Other Stimulants	III IV Adipex, Cylert, Didrex, Sanorex, Tenuate, Tepanil	Weight control	Possible	High	Yes	2-4	Oral, injected			
HALLUCINOGENS										
LSD	I Acid, Microdot	None	None	Unknown	Yes	8-12	Oral	Illusions and hallucinations, poor perception of time and distance.	Longer, more intense "trip" episodes, psychosis, death.	Withdrawal syndrome not reported
Mescaline and Peyote	I Mexc, Buttons, Cactus	None	None	Unknown	Yes	8-12	Oral			
Amphetamine	I 2,5-DMA, PMA, MDA, MDMA, TPA DOM, DOB	None	Unknown	Unknown	Yes	Variable	Oral,			
Phencyclidine	II PCP, Angel Dust, Hog	None	Unknown	High	Yes	Days	Smoked, oral, injected			
Phencyclidine Analogues	I PCE, PCPy, TCP	None	Unknown	High	Yes	Days	Smoked, oral, injected			
Other Hallucinogens	I Butoteneine, Icogaine, DMT, DET, Psilocybin, Psilocyn	None	None	Unknown	Possib le	Variable	Smoked, oral, injected, sniffed			
CANNABIS										
Marijuana	I Pot, Acapulco Gold, Grass, Reefer	None	Unknown	Moderate	Yes	2-4	Smoked, oral	Euphoria, relaxed appetite, disoriented behavior	Fatigue, paranoia, possible psychosis	Insomnia, hyperactivity, appetite occasionally reported.
Tetrahydro- cannabinol	I II THC, Marinol	Cancer chemotherapy	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish	I Hash	None	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish Oil	I Hash Oil	None	Unknown	Moderate	Yes	2-4	Smoked, oral			

Appendix D. Federal Trafficking Penalties

CSA	Penalty		Quantity	Drug	Quantity	Penalty	
	2nd Offense	1st Offense				1st Offense	2nd Offense
I	Not less than 10 years. Not more than 40 years. If death or serious injury, not less than life. Fine of not more than \$4 million individual, \$10 million other than individual.	Not less than 5 years. Not more than 40 years. If death or serious injury, not less than 20 years. Not more than life. Fine of not more than \$2 million individual, \$5 million other than individual.	5-49 gm or 50-199 gm mixture	METHAMPHETAMINE	50 gm or more or 500 gm or more mixture	Not less than 10 years. Not more than life. If death or serious injury, not less than 20 years, nor more than life. Fine of not more than \$4 million individual, \$10 million other than individual.	Not less than 20 years. Not more than life. If death or serious injury, not less than life. Fine of not more than \$8 million individual, \$20 million other than individual.
			100-999 gm mixture	HEROIN	1 kg or more mixture		
			500-4999 gm mixture	COCAINE	5 kg or more mixture		
			5-49 gm mixture	COCAINE BASE	50 gm or more mixture		
			10-99 gm or 100-99 gm mixture	PCP	100 gm or more or 1 kg or more mixture		
			1-10 gm mixture	LSD	10 gm or more mixture		
II			40-399 gm mixture	FENTANYL	400 gm or more mixture		
			10-99 gm mixture	FENTANYL ANALOGUE	100 gm or more mixture		
	Drug	Quantity	First Offense		Second Offense		
III	Others	Any	Not more than 20 years If death or serious injury, not less than 20 years, not more than life. Fine \$1 million individual, \$5 million not individual.			Not more than 30 years. If death or serious injury, life. Fine \$2 million individual, \$10 million not individual.	
	All	Any	Not more than 5 years.			Not more than 10 years.	
IV	All	Any	Fine not more than \$250.00 individual, \$1 million not individual. Not more than 3 years.			Fine not more than \$500.00 individual, \$2 million not individual. Not more than 6 years.	
			Fine not more than \$250.00 individual, \$1 million not individual. Not more than 1 year.			Fine not more than \$500.00 individual, \$2 million not individual. Not more than 2 years.	
V	All	Any	Fine not more than \$100.00 individual, \$250.00 not individual.			Fine not more than \$200.00 individual, \$500.00 not ind.	
Law as originally enacted states 100 gm. Congress requested to make technical correction to 1 kg. Does not include marijuana, hashish, or hashish oil.							

Law as originally enacted states 100 gm. Congress requested to make technical correction to 1 kg.

Does not include marijuana, hashish, or hashish oil.

Federal Trafficking Penalties - Marijuana

Quantity	Description	First Offense	Second Offense
1,000 kg or more; or 1,000 or more plants	Marijuana Mixture containing detectable quantity*	Not less than 10 years, not more than life. If death or serious injury, not less than 20 years, not more than life. Fine not more than \$4 million individual, \$10 million other than individual.	Not less than 20 years, not more than life. If death or serious injury, not less than life. Fine not more than \$8 million individual, \$20 million other than individual.
100 kg to 1,000 kg; or 100-999 plants	Marijuana Mixture containing detectable quantity*	Not less than 5 years, not more than 40 years. If death or serious injury, not less than 20 years, not more than life. Fine not more than \$2 million individual, \$5 million other than individual.	Not less than 10 years, not more than life. If death or serious injury, not less than life. Fine not more than \$4 million individual, \$10 million other than individual.
50 to 100 kg	Marijuana	Not more than 20 years.	Not more than 30 years.
10 to 100 kg	Hashish	If death or serious injury, not less than 20 years, not more than life.	If death or serious injury, life.
1 to 100 kg	Hashish Oil		Fine \$2 million individual.
50-99 plants	Marijuana	Fine \$1 million individual.	\$10 million other than individual.
Less than 50 kg	Marijuana	Not more than 5 years. Fine not more than \$250,000.	Not more than 10 years. Fine \$500,000 individual, \$2 million other than individual.
Less than 10 kg	Hashish	\$1 million other than individual.	
Less than 1 kg	Hashish Oil		

*Includes Hashish and Hashish Oil

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Appendix E.
Federal penalties and
sanctions for illegal
possession of a
controlled substance

21 U.S.C. 844(a) First conviction: up to one year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After one prior drug conviction: at least fifteen days in prison, not to exceed two years, and fined at least \$2,500 but not more than \$250,000, or both.

After two or more prior drug convictions: at least ninety days in prison, not to exceed three years, and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine. Mandatory imprisonment of at least five years, not to exceed twenty years, and fined up to \$250,000 or both, if:

- a) First conviction and the amount of crack possessed exceeds five grams;
- b) Second crack conviction and the amount of crack possessed exceeds three grams;
- c) Third or subsequent crack conviction and the amount of crack possessed exceeds one gram.

21 U.S.C. 853(a)(2) and 831(a)(7) Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (see the special sentencing provisions immediately above with respect to crack.)

21 U.S.C. 881(a)(4) Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844(a) Civil fine of up to \$10,000 (pending adoption of final regulations).

1 U.S.C. 853a Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for the first offense, up to five years for the second and subsequent offenses.

18 U.S.C. 922(g) Ineligible to receive or purchase a firearm.

Appendix F. Illinois trafficking penalties - controlled substances

Drug	Amount	Felony Status	Prison Term	Fine
Any substance containing HEROIN or analog thereof	>10 - 15 grams	Class I	4-15 years	Up to \$250,000
	15 - 99 grams	Class X	6-30 years	Up to \$500,000
	100 - 399 grams	Class X	9-40 years	Up to greater of \$500,000 or full street value
	400 - 899 grams	Class X	12-50 years	Up to greater of \$500,000 or full street value
	900+ grams	Class X	15-60 years	Up to greater of \$500,000 or full street value
Any substance containing COCAINE or analog thereof	>1 - 15 grams	Class I	4-15 years	Up to \$250,000
	15 - 99 grams	Class X	6-30 years	Up to \$500,000
	100 - 399 grams	Class X	9-40 years	Up to greater of \$500,000 or full street value
	400 - 899 grams	Class X	12-20 years	Up to greater of \$500,000 or full street value
	900 + grams	Class X	15-60 years	Up to greater of \$500,000 or full street value
Any substance containing MORPHINE or analog thereof	>1-15 grams	Class X	4-15 years	Up to \$250,000
	15-99 grams	Class X	6-30 years	Up to \$500,000
	100-399 grams	Class X	9-40 years	Up to greater of \$500,000 or full street value
	400-899 grams	Class X	12-50 years	Up to greater of \$500,000 or full street value
	900 + grams	Class X	15-60 years	Up to greater of \$500,000 or full street value
Any substance containing PEYOTE or analog thereof	>50-200 grams	Class I	4-15 years	Up to \$250,000
	200 + grams	Class X	6-30 years	Up to \$500,000
Any substance containing BARBITURIC or analog thereof	>50-200 grams	Class I	4-15 years	Up to \$250,000
	200 + grams	Class X	6-30 years	Up to \$500,000
Any substance containing AMPHETAMINE or METHAMPHETAMINE or analog thereof	5-200 grams	Class I	4-15 years	Up to \$250,000
	200 + grams	Class X	6-30 years	Up to \$500,000

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Drug	Amount	Felony Status	Prison Term	Fine
Any substance containing LSD or analog thereof	3-9 grams or >3-9 objects/parts	Class 1	4-15 years	Up to \$250,000
	10-99 grams or >10 objects/parts	Class X	6-30 years	Up to \$500,000
	100-399 grams	Class X	9-40 years	Up to greater of \$500,000 or full street value
	400-899 grams	Class X	12-50 years	Up to greater of \$500,000 or full street value
	900 + grams	Class X	15-60 years	Up to greater of \$500,000 or full street value
Any Substance containing PENTAZOCINE, METHAQUALONE or PCP or analog thereof	>10-30 grams	Class 1	4-15 years	Up to \$250,000
	30 + grams	Class X	6-30 years	Up to \$500,000
Any substance containing a substance or analog of substance classified in Schedules I or II, but not listed here	50-200 grams	Class 1	4-15 years	Up to \$250,000
	200 + grams	Class X	6-30 years	Up to \$500,000
Any substance or analog classified in Schedules I or II which is a narcotic drug	Any amount not listed above	Class 2	3-7 years	Up to \$200,000
Any substance or analog classified in Schedules I or II which is not a narcotic drug		Class 3	2-5 years	Up to \$150,000
Any substance classified in Schedule III		Class 3	2-5 years	Up to \$125,000
Any substance classified in Schedule IV		Class 3	2-5 years	Up to \$100,000
Any substance classified in Schedules V		Class 3	2-5 years	Up to \$75,000

Appendix G. Illinois trafficking penalties for possession of a controlled substance

Drug	Amount	Felony	Prison Term	Fine
Any substance containing HEROIN	15-99 grams	Class 1	4-15 years	Up to \$200,000
	100-399 grams	Class 1	6-30 years	Up to greater of \$200,000 or full street value
	400-899 grams	Class 1	8-40 years	Up to greater of \$200,000 or full street value
	900+ grams	Class 1	10-50 years	Up to greater of \$200,000 or full street value
Any substance containing COCAINE	15-99 grams	Class 1	4-15 years	Up to \$200,000
	100-399 grams	Class 1	6-30 years	Up to greater of \$200,000 or full street value
	400-899 grams	Class 1	8-40 years	Up to greater of \$200,000 or full street value
	900+ grams	Class 1	10-50 years	Up to greater of \$200,000 or full street value
Any substance containing MORPHINE	15-99 grams	Class 1	4-15 years	Up to \$200,000
	100-399 grams	Class 1	6-30 years	Up to greater of \$200,000 or full street value
	400-899 grams	Class 1	8-40 years	Up to greater of \$200,000 or full street value
	900+ grams	Class 1	10-50 years	Up to greater of \$200,000 or full street value
Any substance containing PEYOTE	200+ grams	Class 1	4-15 years	Up to \$200,000
Any substance containing a derivative of BARBITURIC ACID	200+ grams	Class 1	4-15 years	Up to \$200,000
Any substance containing AMPHETAMINE or METHAMPHETAMINE	200+ grams	Class 1	4-15 years	Up to \$200,000
Any substance containing LSD	10-99 grams 10+ objects/parts	Class 1	4-15 years	Up to \$200,000
	100-399 grams	Class 1	6-30 years	Up to greater of \$200,000 or full street value
	400-899 grams	Class 1	8-40 years	Up to greater of \$200,000 or full street value
	900+ grams	Class 1	10-50 years	Up to greater of \$200,000 or full street value
Any substance containing PENITAZONE, METHAQUALONE, or PCP	30+ grams	Class 1	4-15 years	Up to \$200,000
Any substance in Schedules I or II as a narcotic	200+ grams	Class 1	4-15 years	Up to \$200,000
Any controlled substance	Any other amount	Class 4	1-3 years	Up to \$15,000

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Appendix H. Illinois penalties for marijuana (includes hashish) trafficking

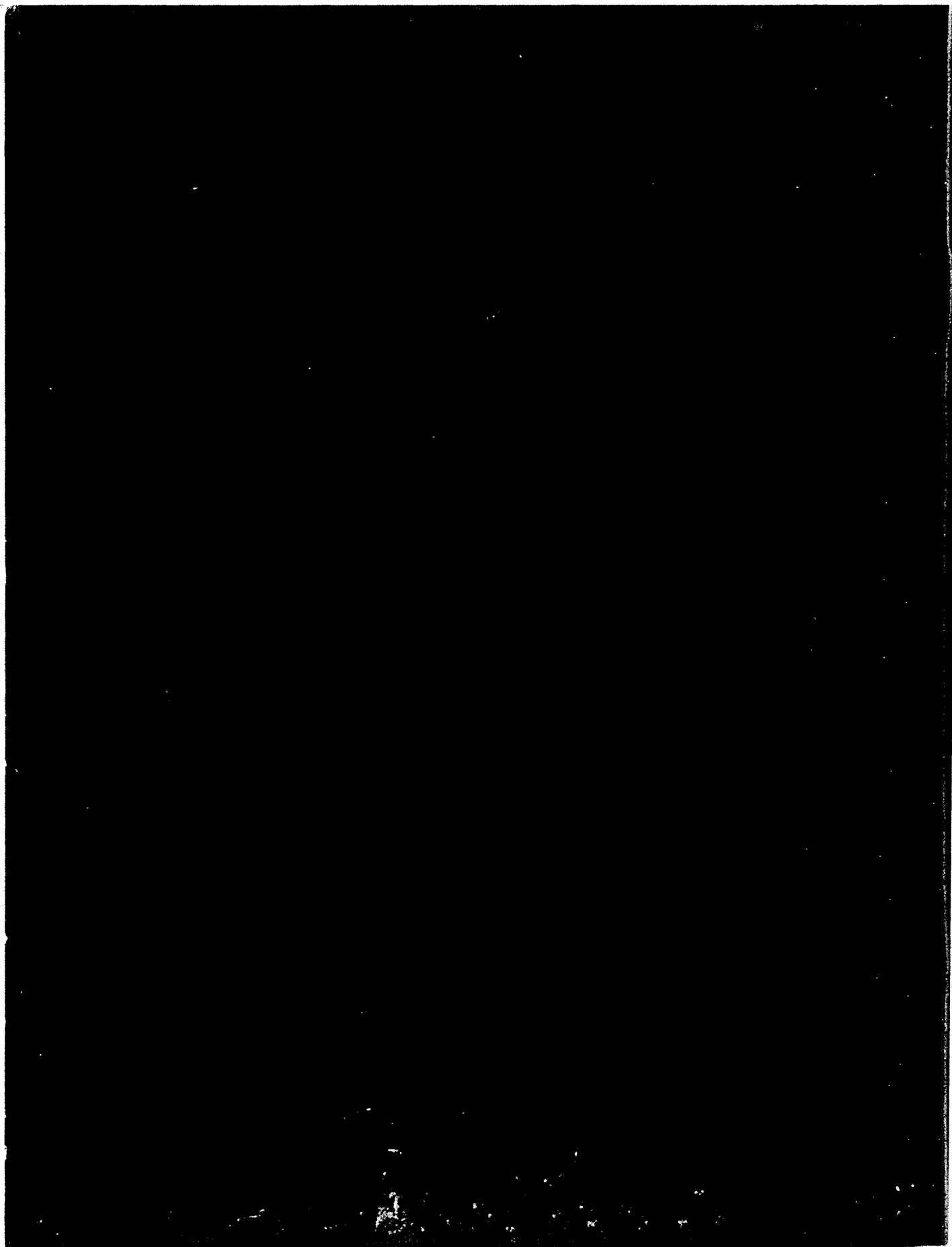
Amount	Classification	Prison Term	Fine
Up to 2.5 grams	Class B Misdemeanor	Up to 6 months	Up to \$500
2.6 - 10.0 grams	Class A Misdemeanor	Less than 1 year	Up to \$1,000
10.1 - 30.0 grams	Class 4 Felony	1 - 3 years	Up to \$10,000
30.1 - 500.00 grams	Class 3 Felony	2 - 5 years	Up to \$50,000
More than 500 grams	Class 2 Felony	3 - 7 years	Up to \$100,000

ILLINOIS PENALTIES FOR POSSESSION OF MARIJUANA
(INCLUDES HASHISH)

Amount	Classification	Prison Term	Fine
Up to 2.5 grams	Class C Misdemeanor	Up to 30 days	Up to \$500
2.6 - 10.0 grams	Class B Misdemeanor	Up to 6 months	Up to \$500
10.1 - 30.0 grams	Class A Misdemeanor	Less than 1 year	Up to \$1,000
	Class 4 Felony for 2d and subsequent offenses	1 - 3 years	Up to \$10,000
30.1 - 500.0 grams	Class 4 Felony	1 - 3 years	Up to \$10,000
	Class 3 Felony for 2nd and subsequent offenses	2 - 5 years	Up to \$10,000
More than 500 grams	Class 3 Felony	2 - 5 years	Up to \$10,000

Useful phone numbers

University Police Emergency Phone	911
Non-emergency, Evanston	1-3456
Non-emergency, Chicago	3-3456
Benefits	1-7513
Cashiers, Bursar Office, Evanston	1-5343
Chicago	3-8525
Chicago Campus Human Resources Office, Abbott Hall	3-8481
Child Care and Family Resources	3-6631
Compensation	1-7506
Credit Union	1-3062
Disability Services	1-7458
Equal Employment Opportunity and Affirmative Action	1-7461
Employment, Evanston	1-7507
Chicago	3-8481
Employee Relations, Evanston	1-7507
Chicago	3-8481
Faculty and Staff Assistance Program	
Perspectives, Ltd., 24 hours	800-456-6327
Payroll	1-7362
Parking, Chicago	3-8129
Evanston	1-3319
Records	1-7362
Training and Development	7-5081
School of Continuing Studies, Evanston	1-4114
Chicago	3-6950
University Library	1-7658



Trahanas-NU001404

EXHIBIT B

DEP. EX. 8

Performance Excellence Annual Plan

With this document managers and employees together set performance objectives, review quarterly progress, assess Northwestern behaviors, track development objectives, and rate performance for the entire year.

Note: To navigate through this document, use your tab key or mouse. Type in the grey text fields. Use your cursor to click on the appropriate box for the year-end ratings.



NORTHWESTERN
UNIVERSITY

Employee: Diane Trahanas

Employee ID number: 1079557

Manager: Steven Schwulst

Updated: 5/13

Start - End: 6/12

PERFORMANCE OBJECTIVES

Objective 1:

Quarterly Progress:

Mouse Handling

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7

Objective 2:

Quarterly Progress:

Cell Isolation/Processing

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

Objective 3:

Quarterly Progress:

Flow Cytometry

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

Objective 4:

Quarterly Progress:

Data Analysis

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

Objective 5:

Quarterly Progress:

Data/Record Management

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7

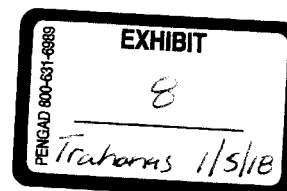
Objective 6:

Quarterly Progress:

Grant Accounting

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

If you need to add more objectives: Please do not try to add rows or columns to this form. Instead, type additional objectives, quarterly progress, and year-end ratings in the grey text box below. You will end up with running text to be spaced as you wish. Remember to focus on your highest priorities and add objectives only if necessary.



Performance Excellence Annual Plan**NORTHWESTERN BEHAVIORS****Coachability**

*Being receptive to feedback;
willing to learn; embracing
continuous improvement.*

Quarterly Progress:

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7

Collegiality

*Being helpful, respectful, approachable,
and team oriented; building strong
working relationships and a positive work
environment.*

Quarterly Progress:

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7

Communication

*Balancing listening and talking;
speaking and writing clearly and
accurately; influencing others;
keeping others informed.*

Quarterly Progress:

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7

Compliance

*Honoring University policies and
regulatory requirements.*

Quarterly Progress:

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7

Customer Focus

*Striving for high customer satisfaction;
going out of the way to be helpful and
pleasant; making it as easy as possible
for the customer (rather than the
department or the University).*

Quarterly Progress:

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

Performance Excellence Annual Plan

NORTHWESTERN BEHAVIORS, *continued*

Efficiency

Quarterly Progress:

*Planning ahead; managing time well;
being on time; being cost conscious;
thinking of better ways to do things.*

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7

Initiative

Quarterly Progress:

*Taking ownership of work;
doing what is needed without
being asked; following through.*

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

Leadership (as applicable)

Quarterly Progress:

*Setting clear expectations; reviewing
progress; providing feedback and
guidance; holding people accountable.*

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

DEVELOPMENT OBJECTIVES

Objective 1:

Quarterly Progress:

Advanced Flow Cytometry

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

Objective 2:

Quarterly Progress:

Manuscript Preparation

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7

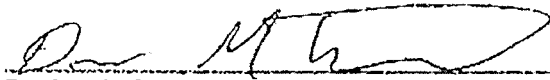
If you need to add more objectives: Please do not try to add rows or columns to this form. Instead, type additional objectives, quarterly progress, and year-end ratings in the grey text box below. You will end up with running text to be spaced as you wish. Remember to focus on your highest priorities and add objectives only if necessary.

Performance Excellence Annual Plan**OVERALL YEAR-END RATING**

- ☐ 1 = Unsatisfactory
☐ 2 = Needs Improvement
☐ 3 = Moderately Effective
☐ 4 = Effective
☒ 5 = Highly Effective
☐ 6 = Outstanding
☐ 7 = Role Model

Comments:

*See definitions and guidelines
on next page.*



Employee's signature:

5/28/2013
Date:

*This signature indicates that the employee has read, but does not necessarily agree with, the year-end rating.
The employee may attach a response page, if he or she wishes.*

Manager's signature:

Date:

Manager's supervisor signature (optional):

Date:

EXHIBIT B
DEP. EX. 9

Performance Excellence Annual Plan

With this document managers and employees together set performance objectives, review quarterly progress, assess Northwestern behaviors, track development objectives, and rate performance for the entire year.

Note: To navigate through this document, use your tab key or mouse. Type in the grey text fields. Use your cursor to click on the appropriate box for the year-end ratings.



NORTHWESTERN
UNIVERSITY

Employee: Diane Trahanas

Employee ID number: 1079557

Manager: Steven Schwulst

Updated: 4/17/14

Start – End: 4/13 - 4/14

PERFORMANCE OBJECTIVES

Objective 1:

Enhance flow cytometry skills

Quarterly Progress:

Exceeds Expectations

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

Objective 2:

Improve quality of benchwork

Quarterly Progress:

Meets Expectations

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7

Objective 3:

Better account management

Quarterly Progress:

Moderately effective

Year-End Rating: ☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7

Objective 4:

Quarterly Progress:

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7

Objective 5:

Quarterly Progress:

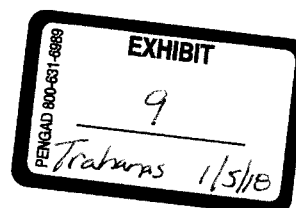
Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7

Objective 6:

Quarterly Progress:

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7

If you need to add more objectives: Please do not try to add rows or columns to this form. Instead, type additional objectives, quarterly progress, and year-end ratings in the grey text box below. You will end up with running text to be spaced as you wish. Remember to focus on your highest priorities and add objectives only if necessary.



Trahanas-NU000046

Performance Excellence Annual Plan

NORTHWESTERN BEHAVIORS

Coachability

*Being receptive to feedback;
willing to learn; embracing
continuous improvement.*

Quarterly Progress:

Exceeds expectations

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

Collegiality

*Being helpful, respectful, approachable,
and team oriented; building strong
working relationships and a positive work
environment.*

Quarterly Progress:

Meets expectations

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7

Communication

*Balancing listening and talking;
speaking and writing clearly and
accurately; influencing others;
keeping others informed.*

Quarterly Progress:

Exceeds expectations

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

Compliance

*Honoring University policies and
regulatory requirements.*

Quarterly Progress:

Exceeds expectations

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

Customer Focus

*Striving for high customer satisfaction;
going out of the way to be helpful and
pleasant; making it as easy as possible
for the customer (rather than the
department or the University).*

Quarterly Progress:

Exceeds expectations

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

Performance Excellence Annual Plan**NORTHWESTERN BEHAVIORS, continued****Efficiency**

*Planning ahead; managing time well;
being on time; being cost conscious;
thinking of better ways to do things.*

Quarterly Progress:

Meets expectations

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7**Initiative**

*Taking ownership of work;
doing what is needed without
being asked; following through.*

Quarterly Progress:

Meets expectations

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7**Leadership (as applicable)**

*Setting clear expectations; reviewing
progress; providing feedback and
guidance; holding people accountable.*

Quarterly Progress:

Meets expectations

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7**DEVELOPMENT OBJECTIVES****Objective 1:**

Devise an independent side project

Quarterly Progress:

Meets expectations

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7**Objective 2:**

Write an original manuscript and present
at a national meeting

Quarterly Progress:

Exceeds expectations

Year-End Rating: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

If you need to add more objectives: Please do not try to add rows or columns to this form. Instead, type additional objectives, quarterly progress, and year-end ratings in the grey text box below. You will end up with running text to be spaced as you wish. Remember to focus on your highest priorities and add objectives only if necessary.

Performance Excellence Annual Plan


OVERALL YEAR-END RATING

- ☐ 1 = Unsatisfactory
- ☐ 2 = Needs Improvement
- ☐ 3 = Moderately Effective
- ☐ 4 = Effective
- ☒ 5 = Highly Effective
- ☐ 6 = Outstanding
- ☐ 7 = Role Model

See definitions and guidelines
on next page.


Comments:

Ms. Trahanas has improved her performance in most areas with a particular emphasis on advanced flow cytometry skills. She should be considered for a performance based raise. Areas for improvement include a more detailed management of accounts and better interpersonal communication with members of the laboratory.


Employee's signature:

4/17/14
Date:

*This signature indicates that the employee has read, but does not necessarily agree with, the year-end rating.
The employee may attach a response page, if he or she wishes.*


Manager's signature:

4/17/14
Date:

Manager's supervisor signature (optional):

Date:

EXHIBIT B
DEP. EX. 10

From: Diane Trahanas
To: Steven Schwulst
Subject: Morning Meeting
Date: Monday, March 17, 2014 11:39:14 PM

Hello Steve.

Just wanted to say Thank you again for meeting with me earlier today and being receptive. I'm excited with where things are going. Can't wait until SHOCK and this paper and the new stuff gets fine tuned.

See you in the morning.

Sincerely,
Diane

--

Diane M. Trahanas
Northwestern University
Feinberg School of Medicine
Division of Trauma and Critical Care
Department of Surgery
240 E. Huron St
McGaw Pavillion M360f
Chicago, IL 60611
Lab: 312.503.6260

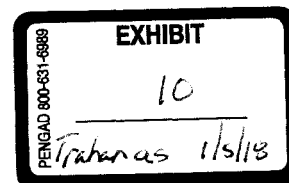


EXHIBIT B
DEP. EX. 11



Diane Trahanas <diane.trahanas@gmail.com>

Fwd: Positions Update

2 messages

Schwulst, Steven <SSCHWULS@nmh.org>
To: Diane Trahanas <Diane.Trahanas@gmail.com>

Mon, Mar 17, 2014 at 2:15 PM

FYI--

Begin forwarded message:

From: "Buikema, Nicole" <nashmus1@nmh.org<mailto:nashmus1@nmh.org>>
Subject: RE: Positions Update
Date: March 17, 2014 2:07:23 PM CDT
To: "Schwulst, Steven" <SSCHWULS@nmh.org<mailto:SSCHWULS@nmh.org>>
Cc: "Rufer, Rachel" <rrufer@nmh.org<mailto:rrufer@nmh.org>>, "Dulek, Krissy" <kdulek@nmh.org<mailto:kdulek@nmh.org>>

Steve,

I actually transitioned out of the Department of Surgery and into the BCVI several months ago so I am no longer in the Professional Affairs role. However, I can tell you that we will be entering our reappointment/merit increase cycle for all NU employees within the next 4-8 weeks. When you complete her annual review, you will also have the opportunity to propose a merit increase for her which would be effective on 9/1. Rachel Rufer or Krissy Dulek will be in touch with specific information about this process in the coming weeks.

If you are looking to promote her, that will require a slightly different process but we should certainly begin those conversations sooner than later to ensure that a new position is entered into the budget and would then go into effect on 9/1, provided it is approved by the HR Compensation team.

I've copied both Rachel and Krissy on my response so they can be in touch with next steps.

Best,
Nicole

Nicole Buikema
Bluhm Cardiovascular Institute
312.926.8686

From: Schwulst, Steven
Sent: Monday, March 17, 2014 10:23 AM
To: Buikema, Nicole
Subject: Re: Positions Update

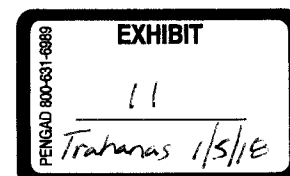
Nicole,

My lab tech is approaching her 2 year anniversary in the lab and we have started talking about raises and possibly retitling her position to a higher level. What would that involve and what would be the process to do this?

Thanks,

Steve

Steven J. Schwulst, MD, FACS
Assistant Professor of Surgery



Northwestern University
Department of Surgery
Trauma and Critical Care
376 N. St. Clair St., Suite 650
Chicago, IL 60611
Office Phone (312) 695-3903
Lab Phone (312) 503-6260
Fax (312) 695-3644

This message and any included attachments are intended only for the addressee. The information contained in this message is confidential and may constitute proprietary or non-public information under international, federal, or state laws. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you are not the addressee, please promptly delete this message and notify the sender of the delivery error by e-mail.

Diane Trahanas <diane.trahanas@gmail.com>
To: d-fernandez@northwestern.edu

Tue, Dec 16, 2014 at 12:05 PM

This is the original email with mention of the promotion back in March.

[Quoted text hidden]

Diane M. Trahanas
Northwestern University
Feinberg School of Medicine
Division of Trauma and Critical Care
Department of Surgery
240 E. Huron St
McGaw Pavillion M360f
Chicago, IL 60611
Lab: 312.503.6260

EXHIBIT B
DEP. EX. 13

Daina L Fernandez

From: Daina L Fernandez
Sent: Wednesday, January 14, 2015 3:43 PM
To: Heather Allwyn Burke
Subject: FW: Promotion

Heather,

Please follow up with Diana Trahanas. She has reached out to me before. We do not process these unless there is approval via Department and Central FSM. Annette Czech in Compensation would and will process IF approved. Please sit down with Dr. Schwulst to discuss whether he has the funding and approval or not. We should not be making these types of promises to employees if we don't have the funding or approval. Please follow up as appropriate. I'm concerned that this employee might escalate, so please see what you can do by working internally and perhaps with Kathleen Dunne.

Thanks, Daina

Daina Fernandez, M.A., PHR
HR Consultant
Northwestern University
720 University Place
Evanston, IL 60208

Phone: (847) 491-8575 Evanston Tu/Th
Phone: (312) 503-1762 Chicago Mon/Wed/Fri
Fax: (847) 467-2688 Evanston
Fax: (312) 503-1741 Chicago

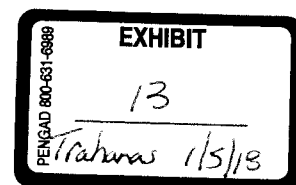
From: Daina L Fernandez
Sent: Wednesday, January 14, 2015 9:45 AM
To: 'Diane Trahanas'
Cc: Steven Schwulst
Subject: RE: Promotion

Diane,

I have emailed our Compensation Analyst, and will follow up today to see what conversations she has had about this. I see from the long email trail that there were concerns about the budget timing, funding and Dean's approval. I'll have to touch bases with Annette to see what agreements, if any have been made and whether this is something that has been addressed and approved through central FSM. I have a call with her later today on another matter, so I'll be sure to discuss with her.

Thanks for your patience,
Daina

Daina Fernandez, M.A., PHR
HR Consultant
Northwestern University
720 University Place



vanston, IL 60208

Phone: (847) 491-8575 Evanston Tu/Th
Phone: (312) 503-1762 Chicago Mon/Wed/Fri
Fax: (847) 467-2688 Evanston
Fax: (312) 503-1741 Chicago

From: Diane Trahanas [<mailto:diane.trahanas@gmail.com>]
Sent: Tuesday, January 13, 2015 2:49 PM
To: Daina L Fernandez
Cc: Steven Schwulst
Subject: Re: Promotion

Hello Daina.

I hope this email finds you well. It has been well over a month and I am still waiting on an answer and my promotion to be backdated and taken into effect. My accountant will be doing my taxes and needs to have all the correct information as soon as possible.

Please let me know when I should expect the changes to be implemented and deposited. As I said before, there should be no reason as to why this is taking so long- other promotions and pay raises took into effect immediately for other employees. We are talking about almost a year here- since last March. I feel like I am being misinformed purposely by the department and my time for my level of work and credentials is not properly being compensated. I have been patient and humbly await for your information and response.

Thank You,
Diane

On Wed, Jan 7, 2015 at 12:57 PM, Diane Trahanas <diane.trahanas@gmail.com> wrote:

Hello Daina.

Happy New Year!

Please let me know if you have any more information regarding the promotion. There are changes that need to be made in association with this decision. (I have spoken to a few others and they have informed me that once a promotion or title change was given to them, their next pay check or the next month's paycheck reflected their promotion and pay increase. It will be almost one year that I have been fulfilling these promotional duties and have not been paid. In addition, my taxes will need to be completed accordingly.

Sincerely,

On Tue, Dec 16, 2014 at 3:01 PM, Daina L Fernandez <d-fernandez@northwestern.edu> wrote:

Diane,

It has to do with the review dates/processes for these types of requests throughout the year. Instead of taking in the requests one at a time; Compensation has requested that they come in during the off cycle. I have an email in to our Comp Analyst so that we can discuss anything she might be aware of. Heather Burke, as Administrator seems to be in the loop which is good.

Best,

Daina

Daina Fernandez, M.A., PHR

HR Consultant

Northwestern University

720 University Place

Evanston, IL 60208

Phone: (847) 491-8575 Evanston Tu/Th

Phone: (312) 503-1762 Chicago Mon/Wed/Fri

Fax: (847) 467-2688 Evanston

Fax: (312) 503-1741 Chicago

From: Diane Trahanas [mailto:diane.trahanas@gmail.com]

Sent: Tuesday, December 16, 2014 2:01 PM

To: Daina L Fernandez

Subject: Fwd: Promotion

Hello Diane.

I am a bit confused again. I am not understanding why Dr. Schwulst needs to submit all this unnecessary paperwork, for something that was submitted and agreed upon back in March.

In addition, the raise was supposed to be agreed upon back In September (Start of the Fiscal year) and as seen in our emails, we were waiting until Dr. Schwulst got back from clinical service so him and I could talk about the promotion/raise.

The emails between Dept. of Surgery HR and I show that when Dr. Schwulst and I come to an agreement, the promotion/raise would be sent to the Dean for his signature/approval.

Why is there even mention of an off cycle budget? This is something that was during the fiscal year cycle.

Please let me know how to proceed.

Thank you for your time and efforts.

Sincerely,

Diane

----- Forwarded message -----

From: **Steven J Schwulst** <s-schwulst@northwestern.edu>
Date: Tue, Dec 16, 2014 at 1:15 PM
Subject: Fwd: Promotion
To: Diane Trahanas <Diane.Trahanas@gmail.com>

See below. Can you start this while I am on service?

Steven J. Schwulst, MD, FACS

Assistant Professor of Surgery

Northwestern University

Department of Surgery

676 N. St. Clair St., Suite 650

Chicago, IL 60611

[\(312\) 695-3903](tel:(312)695-3903)

Begin forwarded message:

From: "Burke, Heather" <hburke@nm.org>
To: "Steven J Schwulst" <s-schwulst@northwestern.edu>
Cc: "Rufer, Rachel" <rrufer@nm.org>, "Scarpelli, Chris" <Cscarpel@nm.org>, "Dulek, Krissy" <kdulek@nm.org>
Subject: RE: Promotion

Hi Dr. Schwulst,

The process for requesting an off-cycle increase is attached. This document details the steps in the process, as well as supplementary information that you'll need to provide in order to move forward in the process.

Please let me know if you have any questions.

Thanks,
Heather

Heather Burke
Manager of Professional Affairs
Department of Surgery
Northwestern Medical Group

312.926.6512 office
hburke@nm.org<<mailto:nashmus1@nmh.org>>

From: Steven J Schwulst [<mailto:s-schwulst@northwestern.edu>]
Sent: Friday, December 12, 2014 2:00 PM
To: Burke, Heather
Cc: Diane Trahanas
Subject: Re: Promotion

Thanks Heather,

After further discussion, there is not a written offer that can be shared. Nonetheless, I would really like to push for Diane getting higher compensation off-cycle. Please advise on how to proceed.

Steven J. Schwulst, MD, FACS
Assistant Professor of Surgery
Northwestern University
Department of Surgery
Trauma and Critical Care
676 N. St. Clair St., Suite 650
Chicago, IL 60611
Office Phone (312) 695-3903
Lab Phone (312) 503-6260
Fax (312) 695-3644

On Dec 11, 2014, at 2:29 PM, Burke, Heather wrote:

Hi Dr. Schwulst,

The mechanism for securing a higher compensation for Diane would be an off-cycle budget request. Attached is an outline of the off-cycle budget request process and all of the information we would need to proceed. Off-cycle budget requests are usually discouraged, however the fact that Diane does indeed have an offer somewhere else may help the case.

We'll need to learn a bit more about the other offer – can you please send us a copy of her competing offer?

Thanks so much,
Heather

Heather Burke
Manager of Professional Affairs
Department of Surgery
Northwestern Medical Group

312.926.6512 office
hburke@nm.org<<mailto:nashmus1@nmh.org>>

From: Steven J Schwulst [<mailto:s-schwulst@northwestern.edu>]
Sent: Thursday, December 11, 2014 9:22 AM
To: Burke, Heather
Cc: Christopher J Scarpelli; Shapiro, Michael
Subject: Re: Promotion

Heather,

I have a problem. Diane, my research technician, is really unhappy with her compensation and is actively looking for and has received an offer for alternate employment. Other than her compensation, she is happy with the work and the work environment. I cannot afford to have Diane leave right now for a higher paying job, it will bring my research effort to a screeching halt. I need to get her a higher hourly wage. We need to find a way around this. Please advise.

Steven J. Schwulst, MD, FACS
Assistant Professor of Surgery
Northwestern University
Department of Surgery
Trauma and Critical Care
676 N. St. Clair St., Suite 650
Chicago, IL 60611
Office Phone (312) 695-3903
Lab Phone (312) 503-6260
Fax (312) 695-3644

On Sep 29, 2014, at 12:34 PM, Burke, Heather wrote:

Unfortunately, the Dean's Office won't approve an off-cycle request of this nature due to the timing and source of Diane's salary since it is not funded.

Heather Burke
Manager of Professional Affairs
Department of Surgery
Northwestern Medical Group

312.926.6512 office
hburke@nmh.org<mailto:nashmusl1@nmh.org>

From: Schwulst, Steven
Sent: Monday, September 29, 2014 11:43 AM
To: Burke, Heather
Subject: RE: Promotion

There is now mechanism to increase her salary to a higher percentage until next year?

From: Burke, Heather
Sent: Monday, September 29, 2014 11:42 AM
To: Schwulst, Steven
Cc: Scarpelli, Chris
Subject: RE: Promotion

Dr. Schwulst,

I apologize for my delay, I was out at the end of the last week.

Unfortunately, since this request is now considered an "off-cycle" budget request and Diane's salary isn't funded, it won't be approved by the Dean's office. We will need to make sure we include this promotion and associated salary increase in the budget/salary planning cycle next year.

Also, I see Diane had emailed us late last week, can you please communicate this update to her?

If have any additional questions, please feel free to reach out to Chris Scarpelli directly.

Thanks,
Heather

Heather Burke
Manager of Professional Affairs
Department of Surgery
Northwestern Medical Group

312.926.6512 office
hburke@nmh.org<<mailto:nashmus1@nmh.org>>

From: Schwulst, Steven
Sent: Wednesday, September 24, 2014 4:29 PM
To: Burke, Heather
Subject: RE: Promotion

Heather,

I hate to do this, but I can't afford to lose Diane right now. Can we make her an RT3 at \$21/hr. This should placate things for the time being.

Steve

From: Burke, Heather
Sent: Wednesday, September 24, 2014 4:22 PM
To: Schwulst, Steven
Subject: FW: Promotion

Hi Dr. Schwulst,

Please see email below from Diane Trahanas. She reached out to Krissy with questions about her salary letter, which per our conversations, reflects the 3% merit increase that was originally submitted and keeps her at Research Tech. 2. We agreed that promotion would be pursued next year.

Krissy advised that Diane reach out to you directly about this.

Thanks,
Heather

Heather Burke
Manager of Professional Affairs
Department of Surgery
Northwestern Medical Group

312.926.6512 office
hburke@nmh.org<<mailto:nashmus1@nmh.org>>

From: Dulek, Krissy
Sent: Wednesday, September 24, 2014 4:18 PM
To: Diane M Trahanas
Cc: Burke, Heather
Subject: RE: Promotion

Hi Diane,

Thanks so much for reaching out to me regarding your concerns. I certainly appreciate the questions that you have, but unfortunately am not the appropriate person to answer these questions. I urge you to please reach out to Dr. Schwulst with your concerns. As your supervisor, he would be your point of contact.

All my best,
Krissy

Krissy Dulek
Manager, Research Administration
Department of Surgery
Feinberg School of Medicine
Northwestern University
Chicago, IL 60611
Ph: 312-926-7287
Fax: 312-926-7404

From: Diane M Trahanas [<mailto:diane.trahanas@northwestern.edu>]
Sent: Wednesday, September 24, 2014 2:34 PM
To: Dulek, Krissy
Cc: Rufer, Rachel
Subject: Promotion

Hello Krissy.

I have received a letter from Chris Scarpelli about my Annual Merit Increase. I wanted to inform you that this is not reflective of the promotion Dr. Schwulst issued me back in March. The title change should be from Research Tech 2 to Research Tech 3. The baseline pay for this is \$20.55-\$25.70 with the mid range being \$23.13. With 2 Bachelors Degrees and a Masters Degree the increase is supposed to be at the very minimum mirroring my Research Tech 2 midline pay (\$23.13). I have been fulfilling my Research Tech 3 responsibilities since March and have yet to see the reflected title and pay change. Please let me know what other information you may need from me. I hope to hear from you soon.

Thank You for your time and efforts.

Sincerely,
Diane

From: Rufer, Rachel [rrufer@nmh.org<<mailto:rrufer@nmh.org>>]

Sent: Friday, June 27, 2014 2:50 PM

To: Diane M Trahanas
Cc: Dulek, Krissy
Subject: promotion RE: Chart Strings and Finances for Dr. Schwulst Lab
Hi Diane,

I understand your concern about receiving your promotion. This is something that is in the works for the new fiscal year which starts September 1.

Please let Krissy or I know if you have any questions.

Thanks,
Rachel

From: Diane M Trahanas [<mailto:diane.trahanas@northwestern.edu>]
Sent: Friday, June 27, 2014 12:27 PM
To: Rachel C. Rufer
Subject: Chart Strings and Finances for Dr. Schwulst Lab

Hello Rachel.

I have been informed again that the chart string I am using on our animal ordering is incorrect/ or insufficient.

Which Chart string has funds left for me to purchase mice/ lab supplies on?

The new Chart string will not be in effect until July 1st, so I believe I need to use up that older one first.

In addition, I know Dr. Schwulst submitted the paperwork for my promotion, but I have not seen the change since the submission. Is there someone I or Dr. Schwulst need to contact? Its been months that my pay increase has not been in effect- do we need to backdate this?

Thank You for your time and efforts.

Sincerely,
Diane

Steven J. Schwulst, MD, FACS
Assistant Professor of Surgery
Northwestern University
Department of Surgery
Trauma and Critical Care
676 N. St. Clair St., Suite 650
Chicago, IL 60611
Office Phone (312) 695-3903
Lab Phone (312) 503-6260
Fax (312) 695-3644

<Off-Cycle_Increase_Process.pdf>

--

Diane M. Trahanas
Northwestern University

Feinberg School of Medicine

Division of Trauma and Critical Care

Department of Surgery

240 E. Huron St
McGaw Pavillion M360f
Chicago, IL 60611

Lab: 312.503.6260

--

Diane M. Trahanas
Northwestern University
Feinberg School of Medicine
Division of Trauma and Critical Care
Department of Surgery
240 E. Huron St
McGaw Pavillion M360f
Chicago, IL 60611
Lab: 312.503.6260

--

Diane M. Trahanas
Northwestern University
Feinberg School of Medicine
Division of Trauma and Critical Care

Department of Surgery
240 E. Huron St
McGaw Pavillion M360f
Chicago, IL 60611
Lab: 312.503.6260

EXHIBIT B
DEP. EX. 16



September 2014

Diane Trahanas
Research Technologist 2
MED-Trauma & Critical

Re: Annual Merit Increase

Dear Diane,

I am pleased to inform you that you are being awarded a merit increase based on your performance over the last review period, as evaluated by your supervisor, as well as the position of your pay rate within the pay range and available funds.

Effective September 1, 2014, your new hourly rate is \$20.06 for an annual salary of \$39,267.45, which will appear in the paycheck you receive on September 19, 2014.

Your work in the Department of Surgery is greatly appreciated!

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Scarpelli'.

Chris Scarpelli
Department Administrator, Surgery
Northwestern University, Feinberg School of Medicine

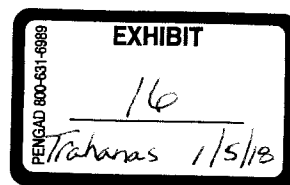
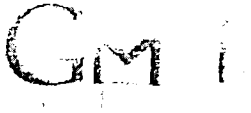


EXHIBIT B
DEP. EX. 17



FW: Promotion

Schwulst, Steven <SSCHWULS@nmh.org>
To: "Diane.Trahanas@gmail.com" <Diane.Trahanas@gmail.com>

Wed, Sep 24, 2014 at 4:27 PM

Diane,

Can we talk about this when I am off service? My impression was that this was a substantial percentage raise (4.5% I think?) and in line with what we discussed at your review. Please refresh my memory if this is incorrect

Steve

From: Burke, Heather
Sent: Wednesday, September 24, 2014 4:22 PM
To: Schwulst, Steven
Subject: FW: Promotion

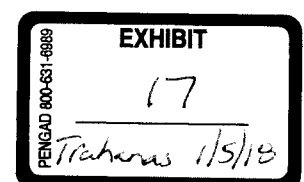
Hi Dr. Schwulst,

Please see email below from Diane Trahanas. She reached out to Krissy with questions about her salary letter, which per our conversations, reflects the 3% merit increase that was originally submitted and keeps her at Research Tech. 2. We agreed that promotion would be pursued next year.

Krissy advised that Diane reached out to you directly about this.

Thanks,

Heather



Heather Burke
Manager of Professional Affairs
Department of Surgery
Northwestern Medical Group

312.926.6512 office
hburke@nmh.org

From: Dulek, Krissy
Sent: Wednesday, September 24, 2014 4:18 PM
To: Diane M Trahanas
Cc: Burke, Heather
Subject: RE: Promotion

Hi Diane,

Thanks so much for reaching out to me regarding your concerns. I certainly appreciate the questions that you have, but unfortunately am not the appropriate person to answer these questions. I urge you to please reach out to Dr. Schwulst with your concerns. As your supervisor, he would be your point of contact.

All my best,

Krissy

Krissy Dulek
Manager, Research Administration
Department of Surgery
Feinberg School of Medicine
Northwestern University
Chicago, IL 60611
Ph: 312-926-7287
Fax: 312-926-7404

From: Diane M Trahanas [mailto:diane.trahanas@northwestern.edu]

Sent: Wednesday, September 24, 2014 2:34 PM
To: Dulek, Krissy
Cc: Rufer, Rachel
Subject: Promotion

Hello Krissy.

I have received a letter from Chris Scarpelli about my Annual Merit Increase. I wanted to inform you that this is not reflective of the promotion Dr. Schwulst issued me back in March. The title change should be from Research Tech 2 to Research Tech 3. The baseline pay for this is \$20.55-\$25.70 with the mid range being \$23.13. With 2 Bachelors Degrees and a Masters Degree the increase is supposed to be at the very minimum mirroring my Research Tech 2 midline pay (\$23.13). I have been fulfilling my Research Tech 3 responsibilities since March and have yet to see the reflected title and pay change. Please let me know what other information you may need from me. I hope to hear from you soon.

Thank You for your time and efforts.

Sincerely,

Diane

From: Rufer, Rachel [rrufer@unicon.org]
Sent: Friday, June 27, 2014 2:50 PM
To: Diane M Trahanas
Cc: Dulek, Krissy
Subject: promotion RE: Chart Strings and Finances for Dr. Schwulst Lab

Hi Diane.

I understand your concern about receiving your promotion. This is something that is in the works for the new fiscal year which starts September 1.

Please let Krissy or I know if you have any questions.

Thanks.

Rachel

From: Diane M Trahanas [mailto:diane.trahanas@northwestern.edu]
Sent: Friday, June 27, 2014 12:27 PM
To: Rachel C. Rufer
Subject: Chart Strings and Finances for Dr. Schwulst Lab

Hello Rachel,

I have been informed again that the chart string I am using on our animal ordering is incorrect/ or insufficient.
Which Chart string has funds left for me to purchase mice/ lab supplies on?

The new Chart string will not be in effect until July 1st, so I believe I need to use up that older one first.

In addition, I know Dr. Schwulst submitted the paperwork for my promotion, but I have not seen the change since the submission. Is there someone I or Dr. Schwulst need to contact? Its been months that my pay increase has not been in effect- do we need to backdate this?

Thank You for your time and efforts.

Sincerely,

Diane

This message and any included attachments are intended only for the addressee. The information contained in this message is confidential and may constitute proprietary or non-public information under international, federal, or state laws. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you are not the addressee, please promptly delete this message and notify the sender of the delivery error by e-mail.

Diane Trahanas <diane.trahanas@gmail.com>

Wed, Sep 24, 2014 at 5:58 PM

To: "Schwulst, Steven" <SSCHWULS@nmh.org>, "Dulek, Krissy" <kdulek@nmh.org>, hburke@nmh.org

Hello Everyone.

I just wanted to keep us all on the same page, so emailing all those concerned with the promotion. Dr. Schwulst is on Clinical Service and I would like to wait to talk with him when he returns to get everything straightened out. His clinical service won't be completed until the end of next week- falling into the month of October. He is very busy during his clinical time and don't think spamming everyone with emails will make any progress.

My concern: Will the clarification/agreement we make when he returns in Oct. take effect for THIS September 2014? If so, I would prefer to wait until Dr. Schwulst returns. However, I am uncertain of how the "fiscal year" rules apply.

Please let us know.

Thank You.

Sincerely,
Diane

[Quoted text hidden]

--
Diane M. Trahanas
Northwestern University
Feinberg School of Medicine
Division of Trauma and Critical Care
Department of Surgery
240 E. Huron St
McGaw Pavillion M360f
Chicago, IL 60611
Lab: 312.503.6260

Schwulst, Steven <SSCHWULS@nmh.org>
To: Diane Trahanas <diane.trahanas@gmail.com>

Wed, Sep 24, 2014 at 6:01 PM

FYI—

The K resubmission got an absolutely horrible score... over 2.5 x lower than the original submission.

From: Diane Trahanas [mailto:diane.trahanas@gmail.com]
Sent: Wednesday, September 24, 2014 5:58 PM
To: Schwulst, Steven; Dulek, Krissy; Burke, Heather
Subject: Re: FW: Promotion

[Quoted text hidden]

[Quoted text hidden]

Diane Trahanas <diane.trahanas@gmail.com>
To: "Schwulst, Steven" <SSCHWULS@nmh.org>

Wed, Sep 24, 2014 at 6:06 PM

did u tell Harris yet?

[Quoted text hidden]

Schwulst, Steven <SSCHWULS@nmh.org>
To: Diane Trahanas <diane.trahanas@gmail.com>

Wed, Sep 24, 2014 at 6:08 PM

ah... we'll have to wait 2 weeks to get the summary statement to see why they thought it was so bad. I'm

frustrated b/c the original submission got a good score with very positive reviews. This is the same grant just with revisions based on the previous reviewer's comments.

From: Diane Trahanas [mailto:diane.trahanas@gmail.com]

Sent: Wednesday, September 24, 2014 6:06 PM

To: Schwulst, Steven

Subject: Re: FW: Promotion

[Quoted text hidden]

[Quoted text hidden]

Diane Trahanas <diane.trahanas@gmail.com>
To: "Schwulst, Steven" <SSCHWULS@nmh.org>

Wed, Sep 24, 2014 at 6:16 PM

I know its a different institute, however maybe b/c of all this funding being cut- they are shutting more people down and HARD.

I believe this was the grant that Harris made you re write.

1.) Can we submit your original good score submission ?

2.) Can we submit your original good score submission? alongside this "newly scored" submissions edited version?

3.) ?????

#whyaretheysomean

[Quoted text hidden]

Diane Trahanas <diane.trahanas@gmail.com>
"Dulek, Krissy" <kdulek@nmh.org>, hburke@nmh.org

Fri, Sep 26, 2014 at 10:36 AM

Hello Krissy and Heather.

I am just following up on my email regarding waiting to speak with Dr. Schwulst, when he returns from clinical service about my promotion.

My concern: Will the clarification/agreement we make when he returns in Oct. take effect for THIS September 2014? If so, I would prefer to wait until Dr. Schwulst returns. However, I am uncertain of how the "fiscal year" rules apply.

Please let me know as soon as possible.

Thank You,

Diane

[Quoted text hidden]

Dulek, Krissy <kdulek@nmh.org>
To: Diane Trahanas <diane.trahanas@gmail.com>, "Burke, Heather" <hburke@nmh.org>

Fri, Sep 26, 2014 at 12:18 PM

Diane,

Any changes would need to be approved by the FSM Dean's Office. If some change is approved, they can retroact.

Thanks,
Krissy

From: Diane Trahanas [diane.trahanas@gmail.com]
Sent: Friday, September 26, 2014 10:36 AM
To: Dulek, Krissy; Burke, Heather
Subject: Re: FW: Promotion

Hello Krissy and Heather.

I am just following up on my email regarding waiting to speak with Dr. Schwulst, when he returns from clinical service about my promotion.

My concern: Will the clarification/agreement we make when he returns in Oct. take effect for THIS September 2014? If so, I would prefer to wait until Dr. Schwulst returns. However, I am uncertain of how the "fiscal year" rules apply.

Please let me know as soon as possible.
Thank You,
Diane

On Wed, Sep 24, 2014 at 5:58 PM, Diane Trahanas <diane.trahanas@gmail.com><mailto:diane.trahanas@gmail.com>> wrote:
Hello Everyone.

I just wanted to keep us all on the same page, so emailing all those concerned with the promotion. Dr. Schwulst is on Clinical Service and I would like to wait to talk with him when he returns to get everything straightened out. His clinical service won't be completed until the end of next week- falling into the month of October. He is very busy during his clinical time and don't think spamming everyone with emails will make any progress.

My concern: Will the clarification/agreement we make when he returns in Oct. take effect for THIS September 2014? If so, I would prefer to wait until Dr. Schwulst returns. However, I am uncertain of how the "fiscal year" rules apply.

Please let us know.

Thank You.

Sincerely,
Diane

On Wed, Sep 24, 2014 at 4:27 PM, Schwulst, Steven <SSCHWULS@nmh.org><mailto:SSCHWULS@nmh.org>> wrote:
Diane,

Can we talk about this when I am off service? My impression was that this was a substantial percentage raise (4.5% I think?) and in line with what we discussed at your review. Please refresh my memory if this is incorrect.

Steve
From: Burke, Heather
Sent: Wednesday, September 24, 2014 4:22 PM
To: Schwulst, Steven
Subject: FW: Promotion

Hi Dr. Schwulst,

Please see email below from Diane Trahanas. She reached out to Krissy with questions about her salary letter, which per our conversations, reflects the 3% merit increase that was originally submitted and keeps her at Research Tech. 2. We agreed that promotion would be pursued next year.

Krissy advised that Diane reach out to you directly about this.

Thanks,
Heather

Heather Burke
Manager of Professional Affairs
Department of Surgery
Northwestern Medical Group

312.926.6512<tel:312.926.6512> office
hburke@nmh.org<mailto:hasmus1@nmh.org>

From: Dulek, Krissy
Sent: Wednesday, September 24, 2014 4:18 PM
To: Diane M Trahanas
Cc: Burke, Heather
Subject: RE: Promotion

Hi Diane,

Thanks so much for reaching out to me regarding your concerns. I certainly appreciate the questions that you have, but unfortunately am not the appropriate person to answer these questions. I urge you to please reach out to Dr. Schwulst with your concerns. As your supervisor, he would be your point of contact.

All my best,
Krissy

Krissy Dulek
Manager, Research Administration
Department of Surgery
Feinberg School of Medicine
Northwestern University
Chicago, IL 60611
Ph: 312-926-7287<tel:312-926-7287>
Fax: 312-926-7404<tel:312-926-7404>

From: Diane M Trahanas [mailto:diane.trahanas@northwestern.edu]
Sent: Wednesday, September 24, 2014 2:34 PM
To: Dulek, Krissy
Cc: Rufer, Rachel
Subject: Promotion

Hello Krissy,

I have received a letter from Chris Scarpelli about my Annual Merit Increase. I wanted to inform you that this is not reflective of the promotion Dr. Schwulst issued me back in March. The title change should be from Research Tech 2 to Research Tech 3. The baseline pay for this is \$20.55-\$25.70 with the mid range being \$23.13. With 2 Bachelors Degrees and a Masters Degree the increase is supposed to be at the very minimum mirroring my Research Tech 2 midline pay (\$23.13). I have been fulfilling my Research Tech 3 responsibilities since March and have yet to see the reflected title and pay change. Please let me know what other information you may need from me. I hope to hear from you soon.

Thank You for your time and efforts.

Sincerely,

Diane

From: Rufer, Rachel [rrufer@nmh.org<mailto:rrufer@nmh.org>]

Quoted text hidden]

Lab: 312.503.6260<tel:312.503.6260>

--
Diane M. Trahanas
Northwestern University
Feinberg School of Medicine
Division of Trauma and Critical Care
Department of Surgery
240 E. Huron St
McGaw Pavillion M360f
Chicago, IL 60611
Lab: 312.503.6260

[Quoted text hidden]

Diane Trahanas <diane.trahanas@gmail.com>
To: d-fernandez@northwestern.edu

Tue, Dec 16, 2014 at 12:01 PM

Hello Diane,

These are some of the emails exchanged. I am not sure what the status is of the promotion, but I wanted to send you the emails requested.

I have spoken to Dr. Schwulst and he is aware that I have spoken with you and that I will not be giving a competing agreement to him/department.

Please let me know if you have any other questions.

Much appreciation,
Diane Trahanas

[Quoted text hidden]

--
Diane M. Trahanas
Northwestern University
Feinberg School of Medicine
Division of Trauma and Critical Care
Department of Surgery
240 E. Huron St
McGaw Pavillion M360f
Chicago, IL 60611
Lab: 312.503.6260

Diane Trahanas <diane.trahanas@gmail.com>
To: d-fernandez@northwestern.edu

Tue, Dec 16, 2014 at 2:06 PM

Additional information that may help piece the story together and allow you to help me understand what is going on.

Thank You,

Diane

----- Forwarded message -----

From: **Schwulst, Steven** <SSCHWULS@nmh.org>

Date: Wed, Sep 24, 2014 at 4:27 PM

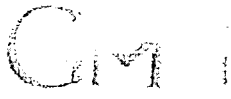
Subject: FW: Promotion

To: "Diane Trahanas@gmail.com" <Diane.Trahanas@gmail.com>

[Quoted text hidden]

--
Diane M. Trahanas
Northwestern University
Feinberg School of Medicine
Division of Trauma and Critical Care
Department of Surgery
240 E. Huron St
McGaw Pavillion M360f
Chicago, IL 60611
Lab: 312.503.6260

EXHIBIT B
DEP. EX. 18



Fwd: D. Trahanas Promotion

SSCHWULS@nm.org <SSCHWULS@nm.org>
To: Diane.Trahanas@gmail.com

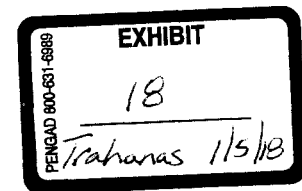
Tue, Jan 13, 2015 at 3:40 PM

See below. I don't know what you've been doing but you need to stop. There is a specific protocol to get this done. We will talk on Friday when I am back from paternity leave.

Steven J. Schwulst, MD, FACS
Assistant Professor of Surgery
Northwestern University
Department of Surgery
676 N. St. Clair St., Suite 650
Chicago, IL 60611
(312) 695-3903

Begin forwarded message:

From: "Burke, Heather" <hburke@nm.org>
Date: January 13, 2015 at 3:34:59 PM CST
To: "Schwulst, Steven" <SSCHWULS@nm.org>
Cc: "Dulek, Krissy" <kdulek@nm.org>, "Rufer, Rachel" <rRufer@nm.org>, "Scarpelli, Chris" <Cscarpel@nm.org>
Subject: D. Trahanas Promotion



Dr. Schwulst,

HR-Compensation contacted me on Friday regarding Diane Trahanas' promotion. Diane has been contacting them directly, rather than working with you and the department. It isn't appropriate for the employee to be making this request directly, rather the employee's supervisor/manager should be submitting the request. Additionally, per the departmental policy, this request must first come to the department, along with a number of additional items, for review and approval before HR and HR-Compensation can get involved.

In order to move forward, we ask that you follow the process (attached again for your reference). Please submit the following items to me via email:

- Request approval for an off-cycle promotion with an amount or percentage that you would like the salary to be increased by as a guideline
- Detail why an off-cycle increase is being requested:
 - o Review prior year's performance evaluation. If the performance evaluation warranted a request for a higher increase, why was the request

not made at that time?

- o If a higher increase was requested at the time of budget and was rejected, why?

- o Were funds budgeted for an increase in salary?

- What is the justification for the off-cycle increase?

- o What additional duties is the employee performing?

- o If applicable, consult the job description and Job Families matrix found on the HR website, to determine if current duties being performed are in line with job being performed. The Job Family matrixes can be found at the link below. The department or HR may be able to provide the job description.

- o <http://www.northwestern.edu/hr/compensation/job-families-descriptions/job-families/index.html>

- o If possible include a mid-year performance evaluation.

- o Retention off-cycle increases will only be considered if an offer has been made by another department or company. Proof of the offer must be provided.

Please note, in addition to department review and approval, the FSM Dean's office must also approve this request.

Please let me know if you have any additional questions and I look forward to receiving the above information.

Thanks,

Heather

Heather Burke
Manager of Professional Affairs
Department of Surgery

Northwestern Medical Group

251 E. Huron Street, Galter 3-150
Chicago, Illinois 60611
312 926 6512 office

EXHIBIT B
DEP. EX. 22

Nov 10, 2012, 8:54 PM to Diane Trahanas



Oct 9, 2012, 3:13 PM to Diane Trahanas

Don't forget, we need to do CBC's

Oct 11, 2012, 9:31 AM from Diane Trahanas

Good Morning, I'm on the 6:37 train and should be at the lab by 740. , I don't want to forget to do the NSS, let's meet around 8:10-15. I'll set up in th

Oct 11, 2012, 8:31 AM from Diane Trahanas

e procedure room, and run the NSS before u come down.?.

Oct 11, 2012, 6:32 AM to Diane Trahanas

Sounds good. I have grand rounds till 8AM then need to change my clothes. I'll be down after that

Oct 11, 2012, 7:58 AM to Diane Trahanas

How's lb's morning?

Oct 12, 2012, 8:10 AM to Diane Trahanas

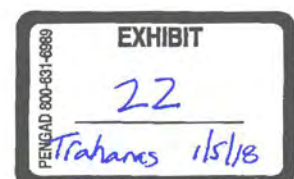
Call me when you're ready to head to the mouse house.

Nov 6, 2012, 7:51 AM to Diane Trahanas

I'll meet you in mouse house around 8:35-8:40

Nov 6, 2012, 7:51 AM from Diane Trahanas

Sounds good



Trahanas-NU002177

Nov 8, 2012, 8:00 AM from Diane Trahanas

Did my Insanity fit test yesterday... A) I'm not fit B) I almost died C) I'm sore as hell today.

Nov 8, 2012, 9:59 AM from Diane Trahanas

Def just saw this, sorry :(

Nov 9, 2012, 3:15 AM from Diane Trahanas

M&M ran late... Going to change my clothes then come to the lab

Nov 12, 2012, 7:45 AM from Diane Trahanas

Sorry !! I missed The earlier train. I'll be there by 9. Let's meet at 9:30 in the procedure room.

Nov 16, 2012, 2:02 PM from Diane Trahanas

Hey, so I have to re-download the files from the LSR computer. I have to wait for Sasha to finish bc he is running some hour long plate. As soon as he's

Nov 16, 2012, 2:02 PM from Diane Trahanas

done I can hop on, download and then flowjo the data from yesterday.

Nov 16, 2012, 2:02 PM from Diane Trahanas

Hey, so I have to re-download the files from the LSR computer. I have to wait for Sasha to finish bc he is running some hour long plate. As soon as he's

Nov 16, 2012, 2:02 PM from Diane Trahanas

done I can hop on, download and then flowjo the data from yesterday.

Nov 19, 2012, 1:54 PM from Diane Trahanas

Hey Harris should be ready in fifteen to twenty minutes to meet in the lab.

Dec 5, 2012, 7:12 AM from Diane Trahanas

Train is running ten min behind. I should be there by 8:10

Dec 6, 2012, 9:12 AM to Diane Trahanas

Ok

Dec 6, 2012, 9:54 AM to Diane Trahanas

Let me know when you have everything together so I can come get the data

Dec 13, 2012, 4:09 PM to Diane Trahanas

Lab meeting a go

Jan 17, 2013, 8:57 AM from Diane Trahanas

Hey Steve. Are u going to Harris' lecture? I'll be there in a few min.
Rans is going to show me where its at.

Jan 17, 2013, 8:57 AM from Diane Trahanas

Rana**

Jan 17, 2013, 9:01 AM to Diane Trahanas

Already here... where are you losers?

Jan 17, 2013, 9:02 AM from Diane Trahanas

Hahaha... I'll be there in 5. On the bus still:(

Jan 24, 2013, 12:07 PM from Diane Trahanas

One hour in this class and I've learned a bunch.

Jan 25, 2013, 9:35 AM to Diane Trahanas

You learning anything? It a friggin blizzard here..,

Feb 18, 2013, 9:47 AM from Diane Trahanas

Yea... A lot of info yesterday. Some things I knew, but have a better understanding of how and y we do things the way we do for flow. It's been raining/

Feb 18, 2013, 9:48 AM from Diane Trahanas

cloudy here.

Feb 18, 2013, 9:48 AM from Diane Trahanas

Haha...

Feb 18, 2013, 9:49 AM from Diane Trahanas

Lol , its karma for sending Rana my 75 deg forecast.

Feb 19, 2013, 9:27 AM from Diane Trahanas

Hey- I had to go to church, on my way now.

Feb 19, 2013, 10:27 AM to Diane Trahanas

Did you do something bad?

Feb 19, 2013, 10:35 AM from Diane Trahanas

Hahaha, if I were Rana I would say yes. Lol. Its for my grandmas memorial.

Feb 19, 2013, 10:36 AM to Diane Trahanas

Rana definately needs to go to church...

Feb 19, 2013, 10:37 AM from Diane Trahanas

Church and confession.

Feb 19, 2013, 10:37 AM to Diane Trahanas

:)

Mar 26, 2013, 11:37 AM to Diane Trahanas

Case complicated, I'll be back around 12:45

Mar 26, 2013, 12:21 PM from Diane Trahanas

Kk

Mar 27, 2013, 11:01 AM from Diane Trahanas

They let us go for lunch then we gotta go back to be selected from a big group of jurors. That's when ill tell them my impartiality.

Mar 28, 2013, 12:21 PM to Diane Trahanas

;) have fun

Mar 27, 2013, 3:25 PM from Diane Trahanas

This is brutal... They are interviewing us still.. I'm probably going to come by after and make our cocktails for tom.

Mar 29, 2013, 9:07 AM to Diane Trahanas

I'm getting Starbucks... You want anything?

Apr 6, 2013, 12:18 PM to Diane Trahanas

Harris is actually early...

Apr 6, 2013, 4:48 PM from Diane Trahanas

Thanks again for Lunch. Congrats to us :)

Apr 19, 2013, 8:57 AM to Diane Trahanas

I'm on my way, ill show u the data on prism and then we can see if you want to hit some heads today to prep tissue Monday.?

Apr 19, 2013, 10:29 AM to Diane Trahanas

What time?

Apr 28, 2013, 8:18 AM to Diane Trahanas

What time are you doing the BM harvest/flow

Apr 28, 2013, 8:35 AM from Diane Trahanas

I should be back by 1130. I'll start as soon as I get there.

Apr 29, 2013, 12:10 PM from Diane Trahanas

Sorry Big funeral so taking longer than usual.

Apr 30, 2013, 1:31 PM to Diane Trahanas

So long as the work gets done, I don't care what time you get in ;)

Apr 30, 2013, 1:36 PM from Diane Trahanas

Kk, sounds good. I'm waiting on Salina to give me a mouse.

May 3, 2013, 8:04 AM to Diane Trahanas

Are we a go for 8:30 or do you need a little more time?

May 3, 2013, 8:05 AM from Diane Trahanas

Let's do 9:30. Trains behind schedule

May 3, 2013, 8:08 AM to Diane Trahanas

K

May 3, 2013, 9:02 AM from Diane Trahanas

Another freight train delay so now I gotta take the cta. I'll call u when I'm all set up

May 3, 2013, 9:04 AM from Diane Trahanas

I'm Sorry.

Jul 28, 2013, 4:08 PM to Diane Trahanas

We're in lab meeting room

July 30, 2013, 8:09 AM to Diane Trahanas

How is my sweet LB?

July 30, 2013, 8:12 AM to Diane Trahanas

Sorry meant for my wife...

Jul 3, 2013, 8:51 PM from Diane Trahanas

Your presentation is going to blow these guys outta the water. Besides a couple from earlier they have no personality.

Jul 4, 2013, 8:58 PM to Diane Trahanas

Yeah... I basically rock...

Jul 11, 2013, 8:59 PM to Diane Trahanas

Finally... Let's get some booze

Jul 2, 2013, 3:56 PM from Diane Trahanas

She's the brunette on his website

Jul 2, 2013, 8:27 PM to Diane Trahanas

Where are you?

Jul 3, 2013, 12:08 PM from Diane Trahanas

Dr. Brownstein and his group are going to The Mid. I like that idea better than any other. Any word from Werschenmeyer lab on activities?

Jun 3, 2013, 12:11 PM to Diane Trahanas

Unfortunately this is the first time I don't have good plans in place... sorry... This meeting is kind of the lamest shock I've been to... I'm game for anything... If touring the mid, I think you can also do a tour of the navy/marine base... Will have to ask the google.

Jun 3, 2013, 12:13 PM to Diane Trahanas

Don't call him Dr. Brownstein his name is Buddy...

Jun 3, 2013, 12:12 PM from Diane Trahanas

It's ok, the Mid /Navy base is cool with me.

Jun 3, 2013, 12:12 PM from Diane Trahanas

Lol ok

Jun 3, 2013, 2:06 PM to Diane Trahanas

I'm friggin freezing mr bigglesworth...

Jun 3, 2013, 2:14 PM from Diane Trahanas

It's ridiculously cold- they should have turned the heat on not just the air off.

Jun 3, 2013, 2:16 PM from Diane Trahanas

Is there lunch before kayaking?

Jun 3, 2013, 2:19 PM to Diane Trahanas

Not sure, I bet we're on our own. I'm starving.

Jun 3, 2013, 2:18 PM from Diane Trahanas

U know I am.

Jun 3, 2013, 8:33 PM to Diane Trahanas

Meeting in lobby at 7:30 to go to gas lamp

Kk cool

What time are we hitting mice?

I'm thinking around 11?

K

Ill be there by 815. We can look over flow and then ill set up and etc

Sasha is going to help me at 9- he's going to check my lung hating on those 4 non traditional markers.

Gating*

Your timer went off a few minutes ago..,

BM looked good on flow Jo.

Hey Steve. I felt a lil better yesterday but then i was up all night with severe abdominal pain and I was throwing up again. I'm going to my docs at 3 .

Aug 7, 2013, 12:15 PM to Diane Trahanas

Wow... What the hell did you eat?

Aug 7, 2013, 12:20 PM from Diane Trahanas

Maybe it's a flu bug

Aug 7, 2013, 12:30 PM from Diane Trahanas

I've never had food poisoning for this long

Aug 7, 2013, 12:26 PM to Diane Trahanas

Stay away...

Aug 7, 2013, 12:21 PM from Diane Trahanas

Ok I'll keep u posted after the docs

Aug 7, 2013, 8:44 PM from Diane Trahanas

My doc isn't sure what I have yet. Running blood tests and cat scan.

MARIA LENTZOU, M.D.
1000 S. HARLEM
PALM BEACH, FL 33480
DEA # FL 852809
A.C. # 036-100346

(708) 671-1500

NAME Diane Trahanas AGE 48
ADDRESS _____ DATE 8/7/13

TAMPER-RESISTANT FEATURES INCLUDE
SAFETY BLUE GRASS-RESISTANT BACKGROUND
AND "LEGAL" PANTOGRAPH

R Please excuse from
work 8/8 - 8/9/13
dit acute gastroenteritis

☐ MAY SUBSTITUTE
☐ MAY NOT SUBSTITUTE
MAY REFILL _____ TIMES

[Signature]
B-HMO195061

Trahanas-NU002186

Aug 7, 2013, 9:40 PM from Diane Trahanas

Dude... Take whatever time you need, just don't get me sick...

Aug 7, 2013, 9:45 PM from Diane Trahanas

I don't wish this on my worst enemy. Thank you

Aug 8, 2013, 10:11 AM from Diane Trahanas

How are you doing?

Aug 9, 2013, 10:49 AM from Diane Trahanas

I was so dehydrated they didn't get enough blood and I passed out, so they gotta redraw.

Aug 9, 2013, 10:49 AM from Diane Trahanas

But I stopped puking, thankfully.

Aug 9, 2013, 10:50 AM from Diane Trahanas

Dude, do you need to be admitted for IV fluids?

Aug 9, 2013, 10:49 AM from Diane Trahanas

My doc thinks I may need my gallbladder taken out, but she'll know after cat scan, and if I'm not recovered by Monday.

Aug 9, 2013, 10:51 AM from Diane Trahanas

I can stand today, I drank four big gatorades

Aug 9, 2013, 10:51 AM from Diane Trahanas

Yesterday and ate some crackers.

Aug 9, 2013, 10:51 AM from Diane Trahanas

Thank you for asking

Aug 11, 2013, 9:12 PM to Diane Trahanas

Are you better?

Aug 11, 2013, 9:52 PM from Diane Trahanas

Yea, slept a looot

Aug 11, 2013, 9:52 PM to Diane Trahanas

Good. See you tomorrow ;)

Aug 11, 2013, 10:20 PM from Diane Trahanas

I still have to go back to my doc. This week I needed off to take care of personal matters

Aug 11, 2013, 10:21 PM to Diane Trahanas

Oh yeah

Aug 11, 2013, 10:20 PM from Diane Trahanas

(it was the one I emailed u about)

Sep 12, 2013, 9:11 AM to Diane Trahanas

Come to Harris's office when you get in

Sep 13, 2013, 10:58 AM to Diane Trahanas

Princess Diana... You rock. Have a great weekend. I'll see you Monday.

Sep 18, 2013, 4:08 PM to Diane Trahanas

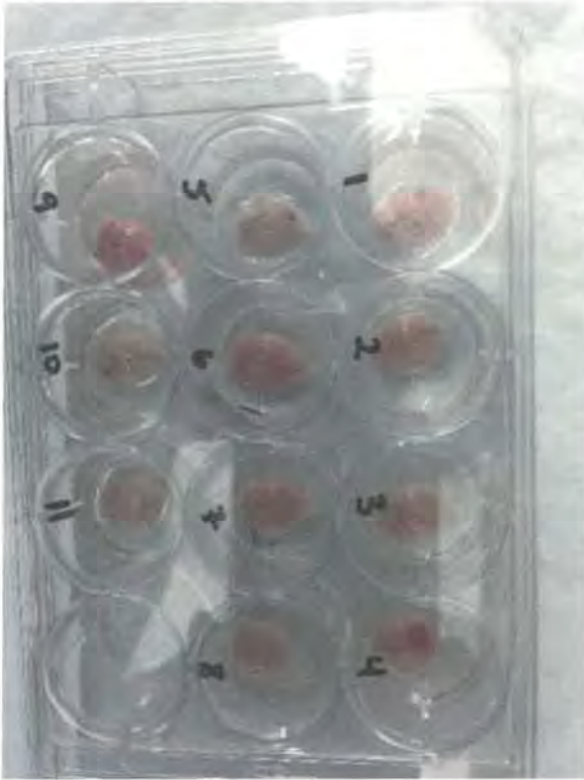
How did the brains look?

Sep 18, 2013, 11:19 PM from Diane Trahanas

I sent that before you text me ... But it never went through.

Sep 18, 2013, 12:27 PM from Diane Trahanas

4&5 were the really good hits. 4 was the NSS 8 score.



Sep 19, 2013, 12:27 PM from Diane Trahanas

I had no reception so they never got sent...

Sep 19, 2013, 12:27 PM from Diane Trahanas

You were right about the hemorrhaging ... Brains 4 and 5 with the really good hits had blood in their brains even after perfusion.

Sep 21, 2013, 2:46 PM to Diane Trahanas

2,3,6,7, &9 also look like subarachnoid hemorrhage... No?

Sep 21, 2013, 2:46 PM from Diane Trahanas

I think a couple of those were just not great perfusions.

Sep 21, 2013, 2:46 PM from Diane Trahanas

As I test them ill take pics after perfusions.

Sep 21, 2013, 2:48 PM to Diane Trahanas

Which were sham?

Trahanas-NU002189

Sep 21, 2013, 2:48 PM from Diane Trahanas

8-11

Sep 21, 2013, 2:52 PM to Diane Trahanas

I think we need to keep hitting them until they show near-death curling up and hypoventilation.

Sep 21, 2013, 2:50 PM from Diane Trahanas

I agree

Sep 21, 2013, 2:52 PM to Diane Trahanas

Did 4&5 still have bad deficits at sacrifice?

Sep 21, 2013, 2:53 PM from Diane Trahanas

4 was still NSS of 7 if not 8.

Sep 21, 2013, 2:54 PM from Diane Trahanas

And 5 had an NSS of 6

Sep 21, 2013, 2:54 PM to Diane Trahanas

We should also keep them in groups: no gross contusion or hemorrhage is mild TBI

Sep 21, 2013, 2:54 PM from Diane Trahanas

Solid 6 2 hrs post Tbi, 4 hrs and 24 he's

Sep 21, 2013, 2:54 PM from Diane Trahanas

Hrs**

Sep 21, 2013, 2:55 PM to Diane Trahanas

Hmmm... We really need to make sure our injuries are better across the board.

Sep 21, 2013, 2:28 PM from Diane Trahanas

I think the death curl idea is a good start

Sep 21, 2013, 2:56 PM to Diane Trahanas

It's a rough tipping point.... A lot of them die if they do the curl

Sep 21, 2013, 3:03 PM from Diane Trahanas

Very true, we'll see what the hitting tests yield this week.

Sep 21, 2013, 3:22 PM to Diane Trahanas

All right... Good work. Go do your P90X

Sep 21, 2013, 3:42 PM from Diane Trahanas

Lol kk thanks.

Sep 30, 2013, 11:09 AM to Diane Trahanas

Are you coming in today?

Sep 30, 2013, 11:19 AM from Diane Trahanas

Yea on my way.

Sep 30, 2013, 11:19 AM to Diane Trahanas

I got some good and bad news with the TBIs

Sep 30, 2013, 11:11 AM from Diane Trahanas

I think our model is good.

Sep 30, 2013, 11:13 AM to Diane Trahanas

Ok... We'll go through it in detail after lunch

Sep 30, 2013, 11:13 AM to Diane Trahanas

Then maybe we should go out for beers... Rough week.

Oct 30, 2013 4:13 AM from Diana Trahanas

Are you bringing any Greek pastries? I could really down some baklava right now...

Nov 10, 2013 11:46 AM from Diana Trahanas

Bad news is it probably can't get better; ill elaborate when I get there

Nov 26, 2013 11:10 AM from Diana Trahanas

Ok sounds good

Nov 26, 2013 12:44 PM from Diana Trahanas

Bad news is it probably can't get better; ill elaborate when I get there

Dec 2, 2013 8:39 AM from Diana Trahanas

I'm taking out brains today right?

Dec 2, 2013 8:40 AM from Diana Trahanas

Yup

Dec 2, 2013 8:46 AM from Diana Trahanas

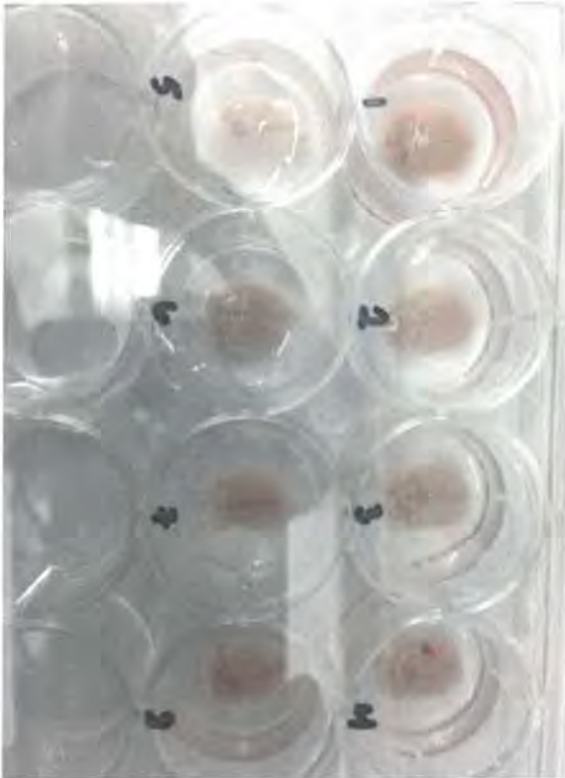
K

Dec 3, 2013 9:18 AM from Diana Trahanas

I'm on The train - Ill be there by 10:15

Dec 3, 2013 9:13 AM from Diana Trahanas

No. 4 had hem



Oct 9, 2013, 11:30 AM from Diane Trahanas

Yesterday was a double day, so I am staying home today. I ran the flow
- I think It looks better than before.

Oct 9, 2013, 11:29 AM from Diane Trahanas

This is what the whole brains looked like after my injuries. They only
got 2cm hits, bc they were still part of the weak bunch Jackson Labs
sent us.



Oct 9, 2013, 11:23 AM from Diane Trahanas

This is what the whole brains looked like after my injuries. They only got 2cm hits, bc they were still part of the weak bunch Jackson Labs sent us.



Nov 12, 2013, 9:30 AM to Diane Trahanas

Are you going to be in the lab today?

Trahanas-NU002194

Nov 14, 2013, 6:43 AM from Diane Trahanas

I'm going to be in around noon.

Nov 14, 2013, 8:46 AM from Diane Trahanas

My mom broke her toe/ foot and Im taking her to the doc.

Nov 14, 2013, 8:19 AM to Diane Trahanas

Going to a conference... Out by 9 and will head over to lab

Nov 14, 2013, 7:32 AM from Diane Trahanas

Ok.. I'm walking into lab now. See u when u get here

Nov 14, 2013, 7:38 AM to Diane Trahanas

Why don't you have all the mice drugs and equipment ready to go and we can hit first the practice perfusion on Saluna's mice

Nov 14, 2013, 7:40 AM from Diane Trahanas

Should we just practice perfuse- not on hit mice? Everything is pretty much set to go

Nov 14, 2013, 7:41 AM to Diane Trahanas

I thought we wanted hit mice for the brain vs periph blood exp?

Nov 14, 2013, 7:41 AM from Diane Trahanas

Well hit those Tom and collect Monday?

Nov 14, 2013, 7:42 AM to Diane Trahanas

Ok

Nov 14, 2013, 7:42 AM from Diane Trahanas

Kk

Nov 18, 2013 5:19 AM from Diane Trahanas

Did u want to come down for brain removal or should I start on my own?

Nov 18, 2013 5:47 AM to Diane Trahanas

Get your day started. What time do you want to injure?

Nov 18, 2013 5:44 AM from Diane Trahanas

When I'm letting the auto macs run the Cd45 selection .. Around 10-10:30

Nov 18, 2013 5:54 AM from Diane Trahanas

Parking

Nov 18, 2013 6:58 AM to Diane Trahanas

Make sure it's not a tow zone ;)

Nov 19, 2013 5:55 AM from Diane Trahanas

Lol. Not til 4

Nov 19, 2013 6:04 AM to Diane Trahanas

I need 20 minutes to down some coffee

Nov 19, 2013 6:00 AM from Diane Trahanas

Yea np

Nov 19, 2013 6:08 AM from Diane Trahanas

Ill set things up and meet u in the mouse room in 30

Nov 19, 2013 6:07 AM to Diane Trahanas

K

Nov 21, 2013, 11:59 AM from Diane Trahanas

K

Nov 21, 2013, 11:59 AM from Diane Trahanas

Hey... When can we go over the flow with Harris

Nov 21, 2013, 11:04 AM from Diane Trahanas

Hey Steve. My aunt passed away yesterday. I won't be able to make it in today or tomorrow.

Nov 21, 2013, 11:04 AM from Diane Trahanas

So sorry... My condolences We'll talk Monday about what to do while I'm on service.

Nov 21, 2013, 11:06 AM from Diane Trahanas

Thank you. I'll meet with Harris on Monday to go over flow. I do neuronal antibody stain next week too.

Dec 5, 2013, 9:52 AM from Diane Trahanas

Case cancelled... I'm here all day so we can go over flow and make plans for upcoming weeks

Dec 5, 2013, 11:12 AM from Diane Trahanas

Did she pass away?

Dec 5, 2013, 11:12 AM from Diane Trahanas

I'm on my way now

Dec 5, 2013, 11:14 AM from Diane Trahanas

I talked to Carla and I think I have a good busy plan for next week

Dec 5, 2013, 11:14 AM from Diane Trahanas

I didn't get to meet with Harris

Dec 5, 2013, 7:45 PM from Diane Trahanas

I'm taking Tom off since Tuesday was a double day and next week is going to be tiring. If u need anything email text or call me.

Dec 5, 2013, 7:45 PM to Diane Trahanas

K... I'm still waiting to do a case

Dec 5, 2013, 8:10 PM from Diane Trahanas

Bluhhh

Dec 14, 2013, 4:24 PM from Diane Trahanas





Dec 14, 2013, 4:26 PM from Diane Trahanas

Not to make your week more stressful, but I got a hemorrhaged brain and I think bc it took the auto macs so long for 20 samples my cell counts and viability were crap. I'm redoing this week. I was so excited bc we got the hem and then... Disappointed.

Dec 21, 2013, 3:15 PM from Diane Trahanas

Happy Holidays to you and your family!! Enjoy your mini vacation!

Dec 21, 2013, 3:15 PM from Diane Trahanas

Thank you very much for the gift cards!! I'll put them to great use:)

Dec 26, 2013, 3:37 PM from Diane Trahanas

You coming to lab Tom? I'm coming in super early.

Dec 26, 2013, 3:38 PM to Diane Trahanas

No... Not getting back in town till late afternoon

Jan 2, 2014, 11:58 PM from Diane Trahanas

Ok I'll shoot u an email with results

Jan 2, 2014, 11:52 AM from Diane Trahanas

Happy New Year Steve. I'm feeling like crap and just been getting worse since Monday. Staying home and getting rest. Maybe doc appnt Tom if these meds don't work.

Jan 2, 2014, 11:38 AM from Diane Trahanas

Are you still alive?

Jan 2, 2014, 11:40 AM from Diane Trahanas

Kinda, I'm sleeping and sweating this thing off.

Jan 2, 2014, 11:40 AM from Diane Trahanas

Way to start my new year.

Jan 3, 2014, 11:40 AM from Diane Trahanas

Only me.

Jan 3, 2014, 11:41 AM to Diane Trahanas

Get better... I think we're on the cusp of a breakout year... Making plans for us to go to Detroit on Feb

Jan 3, 2014, 11:42 AM to Diane Trahanas

That would help us out a lot and diminish my disappointment with this cd45 dysfunction

Jan 3, 2014, 11:44 AM to Diane Trahanas

Rana will help us out with that when you get back, don't sweat it... Minor road bump

Jan 9, 2014, 11:44 AM from Diane Trahanas

Ok thanks

Jan 12, 2014, 7:37 PM from Diane Trahanas

HinSteve. Hope SF went well. Think I got things back on track. Hitting Monday or Tuesday. Hope it's our last data set. Keep you posted.

Jan 23, 2014, 11:13 PM from Diane Trahanas

I think I got the experiment to work. Had two great injuries with hemorrhaging. Took 24 hrs, but we can look at flow on Monday. I'm presenting next lab meeting.

Jan 23, 2014, 11:14 PM from Diane Trahanas



Jan 23, 2014, 11:17 PM from Diane Trahanas

(I did the peripheral blood and the neuronal experiment at the same time.)

Jan 28, 2014, 10:18 AM from Diane Trahanas

Cars not starting.. If my dad can get it to start by noon I'll come in- if he can't ill work from home

Jan 28, 2014, 10:10 AM to Diane Trahanas

We are confirmed to visit the Conti lab on 2/13. I'm thinking drive up on the afternoon of 2/12 and back the evening of 2/13.

Jan 28, 2014, 10:27 AM from Diane Trahanas

Yea that's cool with me.

Jan 28, 2014, 10:35 AM to Diane Trahanas

Can you do lab meeting at 2pm Thursday?

Jan 28, 2014, 10:55 AM to Diane Trahanas

Harris is a flake

Jan 28, 2014, 10:36 AM from Diane Trahanas

Yea I'm going to work on PowerPoint today and Tom, That should be fine

Jan 30, 2014, 6:32 AM to Diane Trahanas

I have misplaced my wildcard... Will need you up late in lab. What time are you getting in?

Jan 30, 2014, 6:32 AM (red) from Diane Trahanas

About to get on the train

Jan 30, 2014, 6:33 AM from Diane Trahanas

Let's say 8:30 ish to be safe .

Jan 30, 2014, 6:33 AM to Diane Trahanas

Ok

Jan 29, 2014, 5:23 AM from Diane Trahanas

I'll text u when I get to union

Jan 29, 2014, 6:53 AM from Diane Trahanas

Just in case there are switch delays again

Jan 30, 2014, 7:50 AM from Diane Trahanas

Waiting on this never ending freight train.



Jan 30, 2014, 8:11 AM from Diane Trahanas

Just getting to union... Text u when I'm ten min away

Jan 30, 2014, 8:48 AM from Diane Trahanas

I'll Be there in ten

Jan 30, 2014, 9:21 AM to Diane Trahanas

On my way over...

Trahanas-NU002203

Jan 31, 2014, 8:02 AM to Diane Trahanas

Couldn't find my badge... Can you let me know when you get in... I need someone to let me in.

Jan 31, 2014, 8:12 AM from Diane Trahanas

Lol yea np. I'll be there in 15

Jan 31, 2014, 1:02 PM to Diane Trahanas

Harris sucks :(

Jan 31, 2014, 2:43 PM from Diane Trahanas

I'm not going to say what tho

Jan 31, 2014, 2:48 PM from Diane Trahanas

Lol. Well crank everything out. I want this paper as much as you

Feb 3, 2014, 7:06 AM to Diane Trahanas

Will need you to let me in again :(

Feb 3, 2014, 8:07 AM from Diane Trahanas

On the train still

Feb 6, 2014, 7:55 AM from Diane Trahanas

Going to look at flow with Sasha

Feb 9, 2014, 7:58 AM from Diane Trahanas

In ten minutes

Feb 10, 2014, 5:25 PM from Diane Trahanas

What time will we be back Thursday?

Feb 10, 2014, 5:27 PM to Diane Trahanas

8ish or 9ish

Feb 10, 2014, 5:25 PM from Diane Trahanas

Ok thanks.

Feb 11, 2014, 6:06 AM to Diane Trahanas

Forgot wildcard... Will need you to let me in the lab later this AM.

Feb 11, 2014, 8:36 AM from Diane Trahanas

Be there by 10:30 again.

Feb 12, 2014, 11:40 AM to Diane Trahanas

Princess D... Just got out of clinic... I'm going to change clothes and grab a bite to eat... Let's meet at the Starbucks at noon.

Feb 12, 2014, 11:59 AM from Diane Trahanas

Just turned on my phone. Coming to bux

Feb 12, 2014, 12:04 PM to Diane Trahanas

I'm heading to bux now

Feb 12, 2014, 12:07 PM from Diane Trahanas

Kk

Feb 12, 2014, 12:08 PM to Diane Trahanas

Did you get chocolate?

Feb 12, 2014, 12:09 PM from Diane Trahanas

No I thought were going to do swing by

Mar 3, 2014, 11:22 AM from Diane Trahanas

Hey Steve. Cars gotta go to the mechanic. Dropping it off and I'll let u know if I make it to the city. Happy Monday :/

Mar 3, 2014, 11:33 AM from Diane Trahanas

FYI- our equipment finally came in. I have arrangements to get a private cabinet for it in the

Mar 3, 2014, 9:33 AM to Diane Trahanas

Can you email me updates... Where are we at? What is left to do? When are we meeting with Harris etc etc

Mar 3, 2014, 9:38 AM from Diane Trahanas

Procedure room- that way we don't have to deal with curious George's downstairs and any satellite business.

Mar 3, 2014, 9:32 AM from Diane Trahanas

Harris hasn't set a time with me- or emailed me back.

Mar 3, 2014, 9:34 AM to Diane Trahanas

Make sure you put in your hours for approval

Mar 3, 2014, 9:34 AM from Diane Trahanas

I'll annoy him. I'll email u a list of updates.

Mar 3, 2014, 9:08 AM from Diane Trahanas

I need to stay home today. I have a slight fever, sore throat and a migraine.

Mar 10, 2014, 10:42 AM to Diane Trahanas

Are you coming to work today?

Mar 15, 2014, 11:05 AM from Diane Trahanas

I'm going to work from home for a little bc my ankle/foot is killing me. I can't run experiment until myelin beads come in- hopefully they'll be delivered Tom.

Mar 16, 2014, 8:43 AM from Diane Trahanas

My friends giving me a ride to the city, see u around 10:30.

Mar 26, 2014, 7:43 AM from Diane Trahanas

Top row are injuries. 3 hemorrhaged :). Running flow today



Mar 27, 2014, 11:25 AM from Diane Trahanas

Everything is all good with IACUC visit. :)

Apr 8, 2014, 3:47 PM from Diane Trahanas



Apr 9, 2014, 12:53 PM from Diane Trahanas

Hi Steve- I'm still at the funeral. We just got fond at the cemetery and going to luncheon. If I get done before 2:30 I'll head in- if not I'll work a little from home and stay late Tom/ Friday.

Apr 9, 2014, 12:53 PM from Diane Trahanas

Done* not fond

Apr 9, 2014, 12:54 PM to Diane Trahanas

Don't worry about it... Just keep working on your paper.


Apr 9, 2014, 12:54 PM from Diane Trahanas

Thank you Boss!

Apr 11, 2014, 2:46 PM to Diane Trahanas

Millenials...

Trahanas-NU002208

Softball 

I'm coming in, driving - on my way

I have a deposition this AM. Will be in after lunch. There is an annual review on your desk, please complete and I will do the same. We'll discuss our two reviews on Friday and submit your actual review Friday afternoon.

Ok. Sounds good.

Are you coming in today? We need to do your performance evaluation and submit it.

Hi Steve. I need time to let my right side heal and prevent any re injury. My Dr. Is going to fax you the note. Email text me if we hear back from Harris about our paper and I can fix things remotely from home.

How long are you planning to be out?

Until I see him again next friday to see if I can take the splint and boot off.

So 2 more weeks?

May 5, 2014, 10:21 AM from Diane Trahanas

Yea this week until next Friday

May 5, 2014, 11:02 AM to Diane Trahanas

OK. Just checked with HR... I will need your doctor to fax my office your letter of disability detailing what your activity restrictions are and what the duration of those restrictions will be. Thanks.

May 5, 2014, 11:17 AM from Diane Trahanas

Ok. Called the office, it will be sent today with all the info.

May 5, 2014, 11:21 AM from Diane Trahanas

I gave them 312 695 3644 fax number and titled with attn: Dr. Steve Schwulst.

May 5, 2014, 11:49 AM from Diane Trahanas



May 12, 2014, 1:03 PM from Diane Trahanas

Yes following Drs orders:) peas and ice bags and elevating as much as possible.

Trahanas-NU002210



May 12, 2014, 1:03 PM from Diane Trahanas

Hope you and Emily enjoyed the weekend, keep me posted after Harris reads the draft (16th)

May 12, 2014, 1:04 PM to Diane Trahanas

I'm lonely without you. I have nobody to make fun of Rana with :(

May 12, 2014, 1:03 PM from Diane Trahanas

Hahahahahaha

May 12, 2014, 1:05 PM to Diane Trahanas

Check you email... I do need another figure made. Can you do it remotely?

May 12, 2014, 1:03 PM from Diane Trahanas

Too bad Salina is in the mouse fm most of the time so I would offer her up otherwise

Trahanas-NU002211

May 12, 2014, 1:05 PM from Diane Trahanas

Yea I think so

May 12, 2014, 1:05 PM to Diane Trahanas

Do you have a draft of yor poster done yet?

May 14, 2014, 1:29 PM to Diane Trahanas

Can you check gmail? I need you to fix some things with the figure.

May 14, 2014, 1:31 PM from Diane Trahanas

Kk

May 15, 2014, 3:21 PM to Diane Trahanas

We are getting an undergraduate for the summer.

May 15, 2014, 3:21 PM to Diane Trahanas

You can make her your biotch

May 15, 2014, 3:21 PM from Diane Trahanas

Just ours or Perlman's?

May 15, 2014, 3:22 PM to Diane Trahanas

Technically Harris' but he is assigning her to our projects

May 15, 2014, 3:22 PM from Diane Trahanas

That's good- it's officially for is then.

May 15, 2014, 3:22 PM from Diane Trahanas

Us

May 15, 2014, 3:22 PM to Diane Trahanas

Appearantly she 'a some sort of prodigy

May 15, 2014, 3:22 AM to Diane Trahanas

Probably smarter than both of us

May 15, 2014, 3:23 PM from Diane Trahanas

Thank fully cuz I won't trust some rich lazy kid

May 15, 2014, 3:24 PM from Diane Trahanas

Hahahaha highly doubt it

May 15, 2014, 3:25 PM from Diane Trahanas

Softball players can be smart

May 15, 2014, 3:26 PM to Diane Trahanas

I think she plays violin, not softball

May 15, 2014, 3:28 PM from Diane Trahanas

I was referring to myself lol

May 15, 2014, 3:28 PM from Diane Trahanas

Violin is even smarter

May 15, 2014, 3:27 PM to Diane Trahanas

I'm on service for 1 week next week and anticipate being very busy. I want you to perfect our new equipment and be the Midwest regional expert when I get back ;)

May 15, 2014, 3:27 PM to Diane Trahanas

Huh

May 15, 2014, 3:28 PM from Diane Trahanas

Nevermind bout the violin. I will be the Midwest expert when u get back. 🐼 📺 🖋️

May 20, 2014, 3:32 PM from Diane Trahanas

So far it's a bloody mess doing the whole drilling.



May 20, 2014, 3:37 PM from Diane Trahanas

I'm making progress though.

May 20, 2014, 3:33 PM to Diane Trahanas

Ema the Brody lab at wash u and see how they do it... Get in touch with their tech and have phone call

May 20, 2014, 3:35 PM from Diane Trahanas



May 20, 2014, 3:35 PM from Diane Trahanas

I got it down better, but we might have to slightly up the ket xyl dosage- they don't like the drilling

May 20, 2014, 3:36 PM from Diane Trahanas

I'll still touch base with wash u lab.

May 28, 2014, 12:55 PM from Diane Trahanas

Hi Steve, I'm still coughing annoyingly and not feeling good. Staying at home to rest.

July 2, 2014, 10:49 AM from Diane Trahanas

Your presentation done? I'll be there by noon. Ready to hear it after lunch if ur ready?

Jun 2, 2014, 10:50 AM to Diane Trahanas



Jun 1, 2014, 9:50 AM from Diane Trahanas

Poster ready?

Jun 7, 2014, 10:51 AM from Diane Trahanas

Yea, One final review I'll email u and Carla all the edits then print it.

Jun 2, 2014, 10:53 AM from Diane Trahanas

I'm still coughing (not as much) so keep the masks.

Jun 2, 2014, 10:52 AM to Diane Trahanas

Make sure all figures are the highest resolution possible

Jun 2, 2014, 11:15 AM from Diane Trahanas

Definitely

Jun 4, 2014, 10:10 PM to Diane Trahanas

Totally forgot... I am covering the ICU tomorrow for my boss... So I may not see you until Charlotte...

Jun 4, 2014, 7:11 PM to Diane Trahanas

Did you get in OK? How's the weather?

Jun 6, 2014, 7:23 PM from Diane Trahanas

Weather was gorgeous today! There's a taste if Charlotte going on .
Hope it stays this way for the weekend

Jun 6, 2014, 8:14 PM from Diane Trahanas

Hotel is pretty nice. Flight was 1 hr 35 min

Jun 6, 2014, 8:26 PM to Diane Trahanas

Anyone there yet?

Fri 8, 2014, 8:28 AM from Diane Trahanas

Haven't seen any other dorks like me carrying posters or anything.

Fri 8, 2014, 8:58 AM from Diane Trahanas

I've done some hwk a

D asking/surveying- if it's nice Monday we could do the white water rafting and outdoor day pass - zip lining, biking, obstacles, kayaking wall climbing for 56\$. If it rains- go karting type place.

Fri 8, 2014, 9:10 AM from Diane Trahanas

Btw no bus for the hotel u gotta can it - 25~ bucks

Fri 8, 2014, 9:43 AM from Diane Trahanas

Holy crap... Is this English?

Fri 8, 2014, 9:44 AM from Diane Trahanas

You can get your race number at the registration desk.

Fri 8, 2014, 10:49 AM from Diane Trahanas

Winning gimp number right there.



Jun 8, 2014, 11:12 AM to Diane Trahanas

Ran through my talk in my room earlier... I made it my bitch :)

Jun 8, 2014, 11:12 AM from Diane Trahanas

Hahahaha , I expected u would. This guy right now is snoozing everyone.

Jun 8, 2014, 11:13 AM to Diane Trahanas

He can invent all this stuff... But he can't fit his slides on PowerPoint

Jun 8, 2014, 11:14 AM from Diane Trahanas

U read my mind, I'm hoping it's a conversion thing, but I doubt it

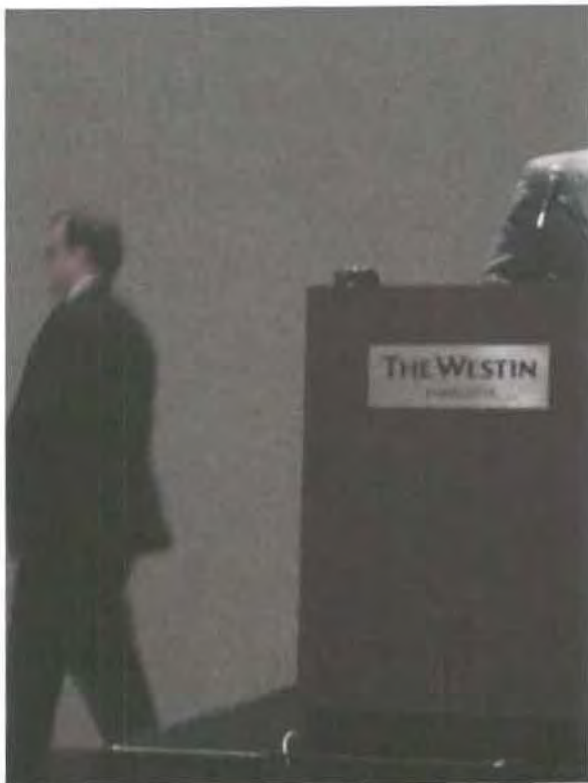
Jun 8, 2014, 7:32 PM from Diane Trahanas

Hurry they just called up new investigators!!!

Jun 8, 2014, 7:39 PM from Diane Trahanas

These for now, but I'll fix them on my laptop and send those too.
Congrats!

Trahanas-NU002218





Jun 8, 2014, 7:57 PM from Diane Trahanas

The entire Schwulst lab in one photo.



Jun 8, 2014, 9:10 PM to Diane Trahanas

What channel is the game on?

Jun 8, 2014, 9:10 PM from Diane Trahanas

4th quarter

Jun 3, 2014, 8:07 PM from Diana Trahanas

Jun 3, 2014, 8:08 PM from Diana Trahanas

Lebron is such a bitch...

Jun 3, 2014, 8:10 PM from Diana Trahanas

Wow... These guys are so good.

Jun 3, 2014, 10:07 PM from Diana Trahanas

I can't believe spurs lost

Jun 3, 2014, 8:46 AM from Diana Trahanas

You weenie...

Jun 3, 2014, 8:48 AM from Diana Trahanas

Where u at?

Jun 3, 2014, 9:46 AM from Diana Trahanas

I'm walking to get my shirt

Jun 3, 2014, 9:47 AM from Diana Trahanas

Did you run?

Jun 3, 2014, 9:48 AM from Diana Trahanas

Yea

Jun 3, 2014, 9:48 AM from Diana Trahanas

I changed outta my boot

Jun 3, 2014, 9:48 AM from Diana Trahanas

That thing blew

Jan 8, 2014, 5:45 AM to Diane Trahanas

I didn't see you or at the picture

Jan 8, 2014, 5:45 AM to Diane Trahanas

I went back to take it off

Jan 8, 2014, 5:45 AM to Diane Trahanas

I finished ages ago and just got out of the shower

Jan 8, 2014, 5:45 AM from Diane Trahanas

I just finished with all the other weenies

Jan 8, 2014, 5:45 AM to Diane Trahanas

Nice weather and nice course

Jan 8, 2014, 5:45 AM from Diane Trahanas

I'm dying of heat exhaustion but wasn't horrific

Jan 8, 2014, 5:45 AM to Diane Trahanas

I thought it was nice

Jan 8, 2014, 5:45 AM from Diane Trahanas

I wore two long sleeve Dri fits

Jan 8, 2014, 5:45 AM to Diane Trahanas

Why

Jan 8, 2014, 5:50 AM from Diane Trahanas

I'm sprinting to get ready..

Jan 8, 2014, 5:50 AM from Diane Trahanas

I thought it would be cold

Jun 9, 2014, 5:51 AM from Diane Trahanas

It's N.C. in June...

Jun 9, 2014, 6:51 AM to Diane Trahanas

You'd better clean up good so you don't look like a scrub...

Jun 9, 2014, 6:09 AM from Diane Trahanas

It's cloudy aaaand I'm always cold. Those are my excuses

Jun 9, 2014, 6:09 AM from Diane Trahanas

I won't embarrass our lab

Jun 9, 2014, 8:20 AM to Diane Trahanas

Make sure you check when the poster needs to come by... or else they will through it away.

Jun 9, 2014, 8:46 AM to Diane Trahanas

They just announced... Posters have to be taken down by 1PM or they get trashed.

Jun 9, 2014, 8:47 AM from Diane Trahanas

I just tk it down now

Jun 9, 2014, 10:35 AM to Diane Trahanas

We are meeting in lobby at 12:45 to go rafting

Jun 9, 2014, 11:25 AM from Diane Trahanas

Awesome!

Jun 10, 2014, 9:57 AM from Diane Trahanas

U walked a tight rope death trap yesterday- so don't be nervous ull be fine!

Jun 19, 2014, 8:10 PM to Diane Trahanas

Wow... You are really hamming it up...

Jun 16, 2014, 7:11 PM to Diane Trahanas

You know, karma is a bitch....

Jun 10, 2014, 1:15 PM from Diane Trahanas

Hahahaha technically I should've been in the boot all weekend. So karma will get me

Jun 10, 2014, 8:16 PM from Diane Trahanas

This lady was insistent on getting me to board early- southern kindness I suppose.

Jun 10, 2014, 7:15 PM from Diane Trahanas

The other videos are too long I'll dropbox or google drive them to u.

Jun 10, 2014, 8:24 PM to Diane Trahanas

A

Jun 10, 2014, 8:22 PM from Diane Trahanas



Jun 17, 2014, 2:37 PM to Diane Trahanas

I need you to send me all the Courses our new student completed so I can add her to our protocol

Jun 17, 2014, 2:37 PM to Diane Trahanas

Animal courses that is

Harris said she would come in yesterday/ but he wasn't sure. I'll send u her info ASAP



After a few hours they woke up and were semi mobile. NSS tom. I'll keep u posted. 2mm tip is piercing the brains- literally making brain goop upon impact so 5mm tip seems to be the MVP. May try 2mm tip with yellow rubber pieces from old weight drop.

Kathryn (our assistant) is definitely helping us out. May order mice on Thursday to have for experiment next week. I will shoot u an email with better details. (We have another inspection so that's been keeping Harris and us preoccupied this week.

All brains w/have hem. I will discuss details with u on their impact vel and tip diameters when u return Monday. NSS 6 is highest so far. Without splatting the brains.

You're the best!!

We'll talk MCAT strategy too

Trahanas-NU002225

Sounds good.

Are you Emily and Sydney going to Harris party Sunday July 13 ?

Yes

Ok, Rana sent out another reminder for the rsyps

Yeah I told her

Ok cool. See u mañana.

Sidney*** sorry

I hope the foam roll helped- since I won't see u for two weeks on clinic
can u bring it to Harris'?

Sure

thank you

What is his address

9050 Tamaroa Terrace Skokie, IL.

ill be there after 5, world cup in overtime.

a lot of head injuries today

Hope service isn't killing you. I don't have the latest copy of the manuscript and I guess Harris can't find it- can u rend it to us both? That way I have a copy if he has any more issues finding it?

24processing Tom and 72 hrs on Thursday. I'll send u picks.

Are you coming in today?

I'll be there Tomorrow.

Sent you some emails... Need figure revision so we can submit paper by end of week?

Revisions

Aug 11, 2014, 10:48 AM from Diane Trahanas

Yup, looking at the emails now

Aug 11, 2014, 1:48 PM to Diane Trahanas

Can you make the circles of the brain figure tighter? Some need to be bigger, some need to be smaller, some need to be moved over.

Aug 11, 2014, 1:48 PM to Diane Trahanas

They don't all have to be the same size

Aug 11, 2014, 1:16 PM from Diane Trahanas

Ok. Gotcha

Aug 13, 2014, 11:51 AM from Diane Trahanas

We stayed and ran flow last night, so I'll analyze flow from home. Brains looked like before- good.

Aug 13, 2014, 11:51 AM to Diane Trahanas

K... I'm stuck in clinic :(

Aug 14, 2014, 11:53 AM from Diane Trahanas

Bluh, I'm studying so Idk how much better I have it.

Aug 20, 2014, 1:05 PM from Diane Trahanas

Hey, finishing submission in the lab to ensure everything gets done perfectly. Is the author order correct? You have yourself as first author instead of Senior author?

Aug 20, 2014, 1:07 PM to Diane Trahanas

No, you are first and I am last (senior)

Aug 20, 2014, 1:08 PM from Diane Trahanas

Ok thanks.

Sep 8, 2014, 10:08 AM from Diane Trahanas

Brains look "gorgeous" on the LSR. Let's hope we can continue using the auto macs. See u in 12 hrs.

Sep 18, 2014, 10:34 AM from Diane Trahanas

Feel like death- coming in to square away our paper and wrap stuff up from yesterday then heading out. U won't want be by u for long anyhow

Sep 12, 2014, 2:03 PM to Diane Trahanas

Paper resubmitted. Did we do that effing Isis shit? Harris forwarded me a nastygram about it today...

Sep 12, 2014, 3:35 PM from Diane Trahanas

Yea, Kathryn and I did it Wednesday !

Sep 12, 2014, 5:12 PM from Diane Trahanas

I emailed you a screenshot of your test completion.

Sep 18, 2014, 4:01 PM to Diane Trahanas

Sparta!! How was it? Did you make that MCAT your bitch?!

Sep 19, 2014, 10:33 AM to Diane Trahanas

Hey... How you doing? Coming in today?

Sep 19, 2014, 12:58 PM to Diane Trahanas

Is he feeling better?

Sep 19, 2014, 1:00 PM from Diane Trahanas

Who is he?

Sep 19, 2014, 1:00 PM to Diane Trahanas

Sorry, wrong person

Trahanas-NU002229

Sep 18, 2014, 1:03 PM from Diane Trahanas

Figured

Sep 18, 2014, 7:21 PM from Diane Trahanas

Should I still finish that schematic or are we changing the specific aims?

Sep 26, 2014, 7:12 PM to Diane Trahanas

Yes

Sep 28, 2014, 9:37 PM from Diane Trahanas

Ok, cool.

Sep 29, 2014, 2:03 PM to Diane Trahanas

Harris wants a schematic that incorporates all the aims of the proposal, not one for each aim

Sep 29, 2014, 2:09 PM to Diane Trahanas

Can you go over ideas with Harris and complete by Wednesday?

Sep 29, 2014, 2:09 PM from Diane Trahanas

I have experiment tom and Wednesday but I'll figure it out, yes.

Oct 6, 2014, 12:39 PM from Diane Trahanas

Harris is looking for u- had a question I couldn't answer. Told him id be here around 1.

Oct 8, 2014, 12:39 PM from Diane Trahanas

Ud*

Oct 8, 2014, 12:43 PM to Diane Trahanas

On my way over now... Had clinic

No worries

Oct 13, 2014, 6:18 PM from Arman Fathi

[Back](#)

Arman Fathi



Hey sup saw your post. I have season tix to the bulls, section 206 row 1 with a parking pass for each game. I can do this Sunday at \$120 for the pair and Dec 27 at \$240 for the pair. Keep in touch if you're interested.)



Oct 13, 2014, 6:18 PM

AR

Oct 13, 2014, 6:17 PM from Diane Trahanas

Whatcha think Boss?

Oct 13, 2014, 6:23 PM to Diane Trahanas

Let me look at the seat pictures online and will get back... Definitely interested

Oct 13, 2014, 6:25 PM from Diane Trahanas

U got it. Keep me posted.

Oct 13, 2014, 6:27 PM to Diane Trahanas

Is that a friend of yours?

Oct 12, 2014, 8:28 PM from Diane Trahanas

It's a friend of a friend. But She's a lawyer and if she's referring me- I trust him.

Oct 12, 2014, 6:29 PM from Diane Trahanas

I'll put you two in touch once you approve of the seats.

Oct 12, 2014, 6:01 PM to Diane Trahanas

Go ahead and put us in touch

Oct 13, 2014, 3:32 PM from Diane Trahanas

Kk. Are u on FB?

Oct 13, 2014, 6:22 PM to Diane Trahanas

Yup

Oct 15, 2014, 6:32 PM to Diane Trahanas

Ok I'll have him message you directly.

Oct 15, 2014, 6:12 PM to Diane Trahanas

Cool

Verizon LTE 6:35 PM 67%

Arman Fathi

Back

200 row 1 with a parking pass for each game. I can do this Sunday at \$120 for the pair and Dec 27 at \$240 for the pair. Keep in touch if you're interested:)



Hello Arman, My boss is definitely interested in purchasing your Dec27 ticket - meaning he's buying. 😊 His name is Steve Schwulst. I forwarded him your info/ message. I'm not sure how u sell normally/ get paid so please message him so you two can get everything settled.

Arman Fathi

Verizon 12:10 AM 94%

Arman Fathi

Back

Sounds good! This Sunday is well below face value and the December game is about where face value is if you purchased it at a single game price. It's easiest to meet somewhere and do cash. The bulls stopped sending us the booklet so everything is digital now...therefore all hard tickets are paper tickets instead of the souvenir tickets. The parking passes are still the same though.

Keep in touch! My number is [3128885400](tel:3128885400). Feel free to text at your convenience



Arman Fathi

Oct 15, 2014, 11:19 AM to Diane Trahanas

Dude... Did you get me email about the paper?

Trahanas-NU002233

Oct 15, 2014, 11:21 AM from Diane Trahanas

Yea, I'll get that in today after mouse house stuff

Oct 15, 2014, 11:22 AM from Diane Trahanas

I got it when I came up for lunch yesterday - figured we'd get that done today

Oct 15, 2014, 11:28 AM from Diane Trahanas

I'm obviously excited :)

Oct 15, 2014, 4:52 PM from Diane Trahanas



Oct 15, 2014, 4:53 PM to Diane Trahanas

Sweet :)

Oct 17, 2014, 7:53 AM to Diane Trahanas

What time will you be in today

11.

Oct 17, 2014, 7:54 AM from Diane Trahanas

I will be out by then for my boy's parent teacher conference

Oct 17, 2014, 7:55 AM to Diane Trahanas

Do you have the tickets on you or are they in the lab?

Oct 17, 2014, 7:55 AM from Diane Trahanas

Oh yea... Ok

Oct 17, 2014, 7:55 AM from Diane Trahanas

I'll bring em by before j go to the airport.

Oct 17, 2014, 7:55 AM from Diane Trahanas

I knew we'd forget.

Oct 17, 2014, 7:58 AM from Diane Trahanas

Getting ready now. Should be there by 9 . Lab or your office?

Oct 24, 2014, 12:58 PM from Diane Trahanas

Ok, Rosemary sent me the form. If I sign it as me- will our grant from shock still cover it? They won't charge us until later.

Oct 24, 2014, 1:00 PM to Diane Trahanas

Forge my signature

Oct 24, 2014, 1:01 PM from Diane Trahanas

Ok.

Nov 8, 2014, 1:00 PM from Diane Trahanas

It's been a month and a week since I asked Harris to upload my LOR. He's leaving wed for a conference. Suggestions on how to push him without being too pushy?

Nov 8, 2014, 12:12 PM to Diane Trahanas

Call him and tell him it needs to be done today.

Nov 8, 2014, 1:05 PM from Diane Trahanas

Ok thanks Steve.

Nov 10, 2014, 2:40 PM from Diane Trahanas

R u coming to lab meeting?

Nov 10, 2014, 2:42 PM from Diane Trahanas

Starts at 4

Nov 13, 2014, 2:00 PM to Diane Trahanas

He'll no

Nov 13, 2014, 2:37 PM to Diane Trahanas

Hell

Dec 5, 2014, 1:00 PM to Diane Trahanas

Hey, are you working this week?

Dec 1, 2014, 8:42 PM from Diane Trahanas

It's snow drizzling

Dec 1, 2014, 8:00 PM from Diane Trahanas

What was that other shooting u were telling me about today? Not the Nordstrom one...

My mom just got into a car accident- I need to go back home.

Is she OK?

Idk

OK... Take care of stuff

How is your mom?

Getting a CT- whip lash and a concussion.

Has nausea and vomiting

Sorry, are you at Christ?

Yes.

She should be ok

Good

Dec 9, 2014, 1:29 PM from Diane Trahanas

Thank u. I'll be at work tomorrow.

Dec 9, 2014, 1:30 PM from Diane Trahanas

Doesn't look like a neck fracture

Dec 9, 2014, 1:31 PM from Diane Trahanas



Dec 9, 2014, 1:32 PM to Diane Trahanas



Dec 9, 2014, 1:33 PM from Diane Trahanas

She's talking she'll be ok

Dec 11, 2014, 11:40 AM from Diane Trahanas

Sasha might not come in -although I already rented the machine- I'm going to try to do the injections w/ Carla and Salina if they have time today.

Dec 11, 2014, 11:41 AM From Diane Trahanas

Get things moving and keep us on schedule.

Dec 17, 2014, 10:23 AM to Diane Trahanas

Are you coming in today?

Dec 18, 2014, 10:26 AM From Diane Trahanas

Yes. Car issues delayed me.

Dec 22, 2014, 10:30 AM to Diane Trahanas

Did you get my email? I've talked with HR about salary increase and need to discuss with you.

Dec 22, 2014, 10:40 AM From Diane Trahanas

Yes, I was going to talk to you.

Dec 23, 2014, 11:59 AM to Diane Trahanas

Are you taking vacation this week?

Dec 23, 2014, 12:29 PM From Diane Trahanas

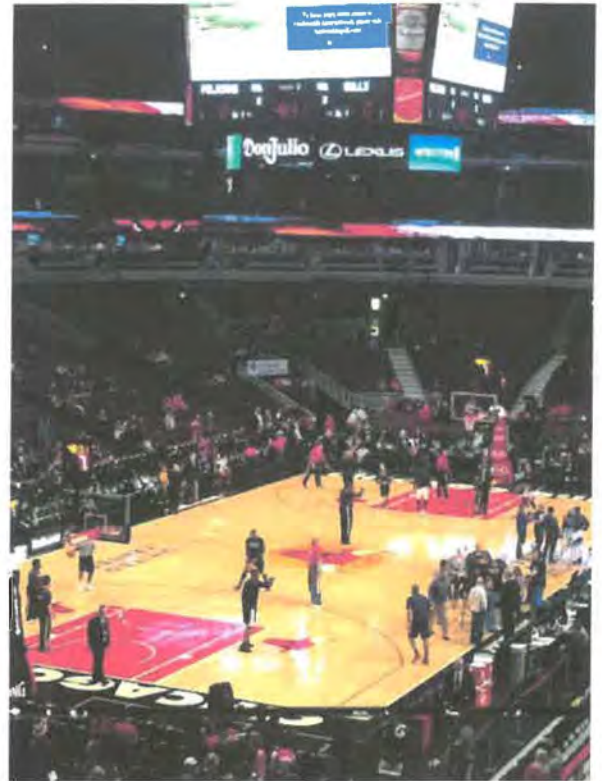
No. I'm at the doctors. I'm coming in after I'm done here.

Dec 23, 2014, 7:36 PM from Diane Trahanas

I'm assuming one of the cards on my desk is from u. Not sure if said you will be in lab tom or not. I won't open it until Xmas, but Thank You!

Dec 27, 2014, 5:48 PM to Diane Trahanas

Game Time!!



Dec 27, 2014, 6:49 PM from Diane Trahanas

They've been doing well! Hope it's a good game

Dec 27, 2014, 8:15 PM to Diane Trahanas

Shooting 38% at half time :(

Dec 27, 2014, 9:20 PM from Diane Trahanas

If only they got paid based on performance

Jan 14, 2015, 1:06 PM to Diane Trahanas

Please confirm meeting in my office at 8:15 tomorrow

Jan 15, 2015, 5:16 AM to Diane Trahanas

Please read your email. Your absence at your performance review is unacceptable. I expect you in my office as discussed.

Jan 15, 2015, 8:15 AM to Diane Trahanas

Please dial in to my office number now. 312-695-3903

Trahanas-NU002240

Jan 15, 2015, 9:27 PM from Diane Trahanas

I've printed out the performance plan twice but there is no numbering on it. Do u just want me to sign it and scan u that page?

Jan 15, 2015, 9:56 AM to Diane Trahanas

Yes please

Jan 15, 2015, 3:39 AM from Diane Trahanas

Ok.

Jan 15, 2015, 9:34 AM from Diane Trahanas

I Sent it to both your gmail and northwestern.

Jan 15, 2015, 11:58 AM to Diane Trahanas

Got it

Jan 15, 2015, 10:01 AM from Diane Trahanas

Ok.

Jan 16, 2015, 8:57 AM to Diane Trahanas

Great. I have M&M, a meeting with Harris, and another meeting with HR, so I will check in with you later this AM to map out our plans for the next few weeks. I submitted your salary increase request this AM. Please put a reminder on your calendar for a quarterly review April 1st

Jan 16, 2015, 6:58 AM from Diane Trahanas

I will be going down with Funien for Clodronate injections between 12-3- whenever she picks up the machine.

Jan 16, 2015, 6:59 AM from Diane Trahanas

Machine

Jan 22, 2015, 9:59 AM to Diane Trahanas

Trying to get fingerprinted... Taking forever...

Jan 22, 2015, 10:07 AM from Diane Trahanas

It shouldn't. How many people are there?

Jan 22, 2015, 11:48 PM to Diane Trahanas

Cover of Shock!!! That's pretty badass...

Jan 22, 2015, 12:52 PM from Diane Trahanas

That's great for all of us!!

Jan 22, 2015, 12:58 PM to Diane Trahanas

Issue will come out 2/15

Jan 23, 2015, 11:57 PM from Diane Trahanas

I will fix the color letter figure thing when I get home on my computer.
I'll login to the work Mac and fix it.

Jan 23, 2015, 12:57 PM from Diane Trahanas

That seemed so far away, and it's just around the corner now. Pretty cool

Jan 26, 2015, 9:22 AM to Diane Trahanas

Are you going to be able to show Harris and me the data at our 10:30 meeting?

Jan 26, 2015, 9:22 AM from Diane Trahanas

I think so.

Jan 26, 2015, 10:41 AM to Diane Trahanas

Come now

Come now, Harris' office

Clodronate worked for 24 hr experiment we just did. Facial bleeds show no monocytes 24 hrs after injection and right before injury. The monocytes develop into similar pattern as the 48 hr thing we saw.

Jan 26, 2015, 5:27 PM to Diane Trahanas

Huh... Hopefully Sasha can help us figure this out tomorrow

Jan 26, 2015, 5:37 PM from Diane Trahanas

Yea.

Jan 27, 2015, 12:43 PM from Diane Trahanas

Harris is forcing us to go to this lecture in Lurie. I'll be back at 1.

Jan 27, 2015, 12:03 PM to Diane Trahanas

Haha

Jan 27, 2015, 12:02 PM from Diane Trahanas

:(

Jan 27, 2015, 12:03 PM from Diane Trahanas

Sasha thinks we should hold off on the 24 hr experiment this week. Run the naive mice blood first -25,48,72 hrs.

Jan 27, 2015, 12:17 PM from Diane Trahanas

I'm about to give injections, but I don't want to wait but more so not waste mice. so u tell me what you want.

Jan 27, 2015, 12:25 PM from Diane Trahanas

Do we have enough for this weeks abstract?

Jan 27, 2015, 12:02 PM to Diane Trahanas

Let's do it all

Jan 28, 2015, 5:48 PM from Diane Trahanas

Ok cool. On it.

Jan 28, 2015, 7:01 PM from Diane Trahanas

Were u going to stop by and look through the data from data?

Jan 29, 2015, 7:54 PM to Diane Trahanas

Just email the prism and I'll call your cell tomorrow to talk

Jan 29, 2015, 8:04 PM from Diane Trahanas

Ok cool

Jan 29, 2015, 9:01 PM from Diane Trahanas

I'm just going to come in after my dentist appointment. I have stuff set up- but it's going to be a hurdle without us collaborating next to each other.

Jan 29, 2015, 11:02 PM to Diane Trahanas

K... Let's knock it out and get you out for a long weekend

Jan 29, 2015, 5:01 PM from Diane Trahanas

Yea that's cool. Np

Jan 30, 2015, 10:17 AM to Diane Trahanas

Big D... What time do you think you will get in?

Jan 30, 2015, 10:19 AM from Diane Trahanas

I should be done by 11:30- are u taking lunch at noon?

Jan 30, 2015, 10:20 AM to Diane Trahanas

Whenever... We can do a work lunch at our desks if it speeds up the process and us getting out of here

Jan 30, 2015, 10:20 AM from Diane Trahanas

Are we focusing on blood and brain data for this abstract?

Jan 30, 2015, 10:20 AM to Diane Trahanas

Yup

Jan 30, 2015, 10:21 AM to Diane Trahanas

Only a few hundred words so probably just one set of data. Whatever is most interesting

Jan 30, 2015, 10:22 AM from Diane Trahanas

Yea, ok that sounds good

Jan 30, 2015, 10:23 AM from Diane Trahanas

Ok. Looking like the 48 hr stuff.

Jan 30, 2015, 10:29 AM from Diane Trahanas

I do like how cool their tools look.

Jan 30, 2015, 10:29 AM from Diane Trahanas



Feb 12, 2015, 11:27 AM to Diane Trahanas

Are you doing irradiator training today ?

Feb 12, 2015, 11:50 AM from Diane Trahanas

Today is the day off from working overtime last week. So next one.

Feb 12, 2015, 11:57 AM to Diane Trahanas

Please make sure you are at next session so that we can start building the BM chimeras--- I'm doing the training today

Feb 12, 2015, 11:58 AM from Diane Trahanas

Ok I'll confirm the reservation with Joe today.

Feb 16, 2015, 2:43 AM to Diane Trahanas

Are we meeting with Harris today?

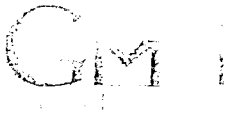
Jul 16, 2015, 9:53 AM (Wed) [Gavin]@marianas

He changed the time last week and hasnt confirmed this week. I will be staying home sick today. The presentation is on the big Mac's desktop, if u wanted to look at it.

Jul 17, 2015, 1:02 PM (Wed) [Gavin]@marianas

Are you OK? Can you call me?

EXHIBIT B
DEP. EX. 24



Fwd: D. Trahanas Update

Steven J Schwulst <s-schwulst@northwestern.edu>
To: Diane Trahanas <Diane.Trahanas@gmail.com>

Wed, Feb 4, 2015 at 10:02 AM

Diane,

See below, your raise was approved retroactive to 1/19/15. About a 6 grand raise. Congratulations!

Steve

Steven J. Schwulst, MD, FACS
Assistant Professor of Surgery
Northwestern University
Department of Surgery
Trauma and Critical Care
676 N. St. Clair St., Suite 650
Chicago, IL 60611
Office Phone (312) 695-3903
Lab Phone (312) 503-6260
Fax (312) 695-3644

Begin forwarded message:

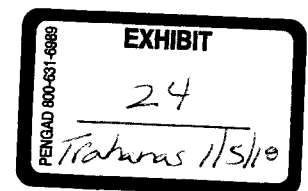
From: "Burke, Heather" <hburke@nm.org>
Subject: D. Trahanas Update
Date: February 4, 2015 9:48:11 AM CST
To: "Schwulst, Steven" <SSCHWULS@nm.org>
Cc: "Rufer, Rachel" <ruferr@nm.org>, "Scarpelli, Chris" <Cscarpel@nm.org>, "Rufer, Rachel" <ruferr@nm.org>

Hi Dr. Schwulst,

I'm writing to update you on the salary increase request for Diane Trahanas. NU approved the increase and this change has been entered into the payroll system with an effective date of 01/19/2015.

Please let me know if you have any questions.

Thanks,
Heather



Heather Burke
Manager of Professional Affairs
Department of Surgery
Northwestern Medical Group

251 E. Huron Street, Galter 3-150
Chicago, Illinois 60611
312.926.6512 office
hburke@nm.org
nm.org



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Diane Trahanas <diane.trahanas@gmail.com>
Steven J Schwulst <s-schwulst@northwestern.edu>

Wed, Feb 4, 2015 at 7:41 PM

Thank You Steve. I very much appreciate it.

Sincerely,

Diane

[Quoted text hidden]

--

Diane M. Trahanas
Northwestern University
Feinberg School of Medicine
Division of Trauma and Critical Care
Department of Surgery
240 E. Huron St
McGaw Pavillion M360f
Chicago, IL 60611
Lab: 312.503.6260

EXHIBIT B
DEP. EX. 26

From: Diane Trahanas
To: [Rana Saber](#)
Cc: [Steven Schwulst](#)
Subject: Re: this seems right up your alley
Date: Friday, March 1, 2013 1:34:51 PM

im offended b/c in no way do i want to be associated with Lebron.
but i could see the basketball connection. lol

On Fri, Mar 1, 2013 at 1:20 PM, Rana Saber <ranasaber@gmail.com> wrote:
<http://www.youtube.com/watch?v=Ir2TdfSwH8g>

--

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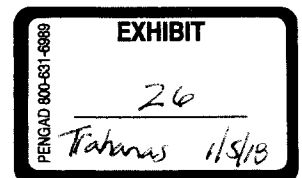


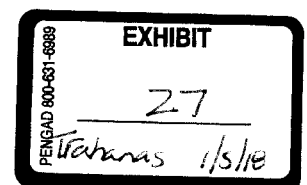
EXHIBIT B
DEP. EX. 27

From: Diane Trahanas
To: Steven Schwulst
Subject: football in basketball
Date: Monday, March 25, 2013 10:17:37 AM

<http://www.youtube.com/watch?v=sSX-AWViw60>

--

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Trahanas-NU010259

EXHIBIT B
DEP. EX. 28

From: Diane Trahanas
To: Steven Schwulst
Subject: millennial selfie
Date: Wednesday, April 16, 2014 2:37:45 PM

<https://www.youtube.com/watch?v=SuyG-JlkNow>

millennial written all over this

--

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